The Nation.

October 23, 1989 $1.75 U.S./$2.25 Canada

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PERIODICALS DEPARTMENT

OL' JESSE'S DIRTY WORD

"I won everything. They've gotten a message from Congress," bragged Senator Jesse Helms after House-Senate conferees tabled his amendment to bar financing of "obscene" or "indecent" art. Even discounting Jesse's rhetoric by the usual 90 percent, there's truth in his words.

In place of Helms's amendment the conferees adopted one forbidding the National Endowment for the Arts to fund "obscene" art. It is left to the chair of the N.E.A. to determine what's obscene, applying the tests enunciated by the Supreme Court in *Miller v. California*.

News reports portrayed this as a victory for reason—after all, the Court's decision is the law of the land. Actually, it obtrudes an irrelevant, politically charged criterion into the N.E.A. grant-making process. Previously, the panels were required only to recognize "artistic and cultural significance" and "professional excellence." Now, the head of the N.E.A. must add to these artfully vague criteria the cop's word "obscenity."

One of the "tests" of pornography in *Miller* is, Does the work have artistic value? That's what the N.E.A. panels have been determining all along. Obviously, a panel thought Robert Mapplethorpe's photographs, which started all the fuss, had such merit. No doubt the N.E.A. panels have at times succumbed to hypocrisy and politics. But for all their flaws, they are better judges of art than politicians are. The new amendment still allows the Helmsites to say, "That ain't art! That's *obscene*!"

We question whether obscenity is a matter for D.A.s and courts to determine, but it certainly isn't one for the N.E.A. and politicians. The House-Senate conferees should have issued a ringing call for the political independence of the endowment. Instead, they have issued ol' Jesse a hunting license.

DECAPITATION
Fabrizio Tonello

TOXIC POLITICS IN LOUISIANA
Carol Strickland

SOVIET MINERS' STRIKE
Lewis H. Siegelbaum

WHITE HOUSE DIARY
Douglas McGrath

FUSSELL'S WAR
Fredric Paul Smoler

ADRIENNE RICH
Marilyn Hacker

STATE A.G.s MOVE IN

FILLING THE DEREGULATORY VACUUM

MARK GREEN

In previous decades progressive activists and state prosecutors were often politically at odds. At best, attorneys general were politicians trying to do popular things; at worst, they were apologists for big donors and enemies of civil liberties.

No longer. State attorneys general are more likely than not to be working with consumer and environmental activists against corporate polluters, white-collar criminals and lax Federal agencies. Not since Watergate have prosecutors been so far in the lead in advancing progressive causes. In part that's because A.G.s are younger and share the values of the 1960s and 1970s—the values of consumerism, environmentalism and empowerment.

But the new wave of activist litigation is largely a consequence of the Reagan Revolution. A funny thing happened on the way to deregulation: While the Federal government tried to arrest the regulatory cops, state legislatures and public interest groups began demanding and winning stricter standards.

Once the laws were in place, ambitious attorneys general began to use their considerable prosecutorial power for the public good. (One cynic joked that the National Association of Attorneys General—called NAAG—should be renamed the National Association of Aspiring Governors.) "There is a void in Washington," says California Attorney General and gubernatorial candidate John Van de Kamp, "and we have stepped into it." And with the advent of the Bush Administration,

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LETTERS.

'ACADEMIC POVERTY-PIMPING'

New Haven, Conn.

Jon Wiener performs a useful service for *Nation* readers in reporting on political debates in the academy, but this time ["Law Profs Fight the Power," Sept. 4/11] he's got it all wrong. Wiener attacks Randall Kennedy, a black Harvard law professor, for an article ("Racial Critiques of Legal Academia," *Harvard Law Review* 102, June) criticizing certain types of claims made by minority scholars about racial discrimination in "legal academia." According to Wiener, uptight Kennedy just can't understand why minorities need to express themselves poetically in order to "challenge the way knowledge is constructed by the legal profession and [address] the relationship between knowledge and power." Approaches that include "storytelling and family history . . . dreams and fantasies," Wiener writes, are the best ways to articulate nonwhites' radical legal arguments.

Wrong. We've read the Kennedy article, and Wiener's treatment of it is cheap and unprincipled. The innuendo linking Kennedy's critique to a desire for tenure is sleazy. Wiener rests his argument largely on comments by minority scholars from whom he solicited opinions of Kennedy's piece, as if to legitimize his views or to protect them from criticism with the insulation of racial authenticity. Wiener, moreover, demonstrates the corrosive effects of the very phenomenon to which Kennedy tries to draw our attention.

Kennedy criticizes three main tendencies in work on race in American law schools. The first, associated with Derrick Bell, is the claim that low minority representation on law school faculties can be explained exclusively on the basis of racist hiring practices. Kennedy assumes the reality of discrimination in hiring but wants to consider as well the dearth of minorities in hiring pools, and thus the key role of discrimination at earlier levels. It may be that Bell, as he contended in his discussion with Wiener, is also sensitive to the "pool" problem. If so, that does not gainsay Kennedy's charge that an allegory assuming there is no such problem is inadequate.

The second claim, represented by Richard Delgado, is that we can prove that minority legal scholars' work is overlooked simply by pointing to patterns of white-only citation in law journals. Here, Kennedy argues that such charges should be, but rarely are, backed by discussion of specific examples of underappreciated work by minority scholars. In other words, if such scholarship exists and is neglected, it is a further sign of lack of respect not to cite and examine it. Wiener, dumbfoundingly, dismisses this criticism by noting that Delgado's charge was made five years ago and that the last two years have brought a flowering of impressive scholarship. What should we make of that defense? Doesn't it amount to an admission that Kennedy properly criticized Delgado for not having evidence? And if there subsequently has been a broadly recognized flowering, then either there is no problem or the same requirement for giving evidence applies.

The third claim, exemplified by Mari Matsuda, is that consciousness and intellectual orientation can be deduced automatically from racial status. Kennedy links this claim to its analogue among cultural feminists. He argues, for reasons that should be obvious to *Nation* readers, that such reading out from chromosomes and physiognomy is wrong and politically dangerous. A corollary, Kennedy points out, is that only white males are competent to evaluate, for example, corporate law.

We work in Afro-American studies and women's studies and are distressed daily at the muddle-headed, self-aggrandizing slop that too often stands for scholarship in these fields. There are too many academic equivalents of poverty-pimping. Essentialist rhetoric too often substitutes for clarity, status claims for politics. "Going easy" on minority or feminist work, assuming that it need not (or cannot), perforce, attain recognized standards, that it ought to speak from the body or with the blood, is racist and sexist—and often self-serving, depending on the status of the evaluator.

This is not to argue against vivid, artful, even poetic writing in any domain. Kennedy never does so, despite Wiener's characterizations. The "style" issue is a red herring. Who would ever tell scholars of the Holocaust that only poetry or allegory adequately represents its significance? Minorities and women, like white men, should be assumed to be capable of expressing themselves effectively in all genres. All claims that their authentic speech is in some "different voice" simply rehearse an aspect of the worst Victorian racism and sexism, a Jim Crow epistemology.

Wiener made the right call on the Kessler-Harris/Rosenberg debate on the Sears/E.E.O.C. case ["Women's History on Trial," Sept. 7, 1985]. He criticized Rosalind Rosenberg's essentialist arguments that women do not want good jobs because of their women's cultural heritage of home and family nurturance. Why can't he see that Kennedy is plowing precisely the same furrow, fighting the good fight against an essentializing and ultimately reactionary logic?

Kennedy's is the radical side of this battle. Things are bad enough, he warns us. Inflated or inadequate arguments simply undermine our purposes and fuel the objectives of our enemies. Like so many white leftists, Wiener looks to minorities for excitement, art, charisma, spirituality—but never a clear, reasoned argument. Sounds familiar, doesn't it?

Micaela diLeonardo
Adolph L. Reed Jr.

CORRECTIONS

In the October 9 editorial "Real Sanctions," the first two sentences of the second-to-last paragraph should have read: "The most potent move against the apartheid regime would be comprehensive financial sanctions. (Representative Walter Fauntroy is drafting legislation that would commit the United States to financial sanctions; so far, the Administration opposes such a policy.)" Financial sanctions refer only to bank loans and trade credits; such a narrowly drawn move would have a dramatic and rapid impact.

Due to a printer's error, three lines were missing from page 429 of the October 16 issue, telling readers that Lawrence Danson teaches at Princeton University; that the politics of column two were "of opposition"; and that *The Oxford Shakespeare*'s co-editor was Stanley Wells. Our apologies especially to Lawrence Danson.

WIENER REPLIES

Irvine, Calif.

White radicals like me, according to diLeonardo and Reed, fall for the "self-aggrandizing slop" written by Derrick Bell and his ilk because we don't expect minority scholars to make clear, reasoned arguments; instead we groove on black irrationality. It's not a pretty picture, nor is it what this controversy is about.

DiLeonardo and Reed are right about one thing: The law reviews today are full of self-aggrandizing slop. But they're wrong to suggest that the problem stems from women and minorities—in particular, from Derrick Bell, Mari Matsuda and Richard Delgado. Ninety-nine percent of the self-aggrandizing slop in law reviews today is written by white men.

The underlying issue is whether minorities and women have an obligation to adopt the prevailing style of academic writing, which many of us find ponderous, boring and irrelevant, or whether more diverse forms of argument and more personal styles of expression should be welcomed and encouraged. This argument has been going on for some time. DiLeonardo and Reed—and their friend Kennedy—argue the conservative position that new minority and female writing is simply "muddle-headed," that minorities and women ought to give up the project of developing distinctive voices and learn to write and think like the great white men.

Kennedy takes that argument another step: He denies that minorities have a distinctive experience in America. His position is "clear" and "reasoned," but it's wrong. And nobody is arguing that the "chromosomes and physiognomy" of Afro-Americans give them a distinctive experience. Their

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Manuscripts: The magazine cannot be responsible for the return of unsolicited manuscripts unless accompanied by addressed, stamped envelopes.

Publisher, Arthur L. Carter

President and Associate Publisher, David Parker; *General Manager*, Neil Black; *Advertising Director*, Chris Calhoun; *Business Manager*, Ann B. Epstein; *Bookkeepers*, Tanveer Mall, Ivor A. Richardson; *Art/Production Manager*, Jane Sharples; *Circulation Director*, Margaret Pyle; *Subscription Manager*, Cookee V. Klein; *Director, Nation Books*, Elsa Dixler; *Receptionists*, Greta Loell, Vivette Dhanukdhari; *Mail Clerk*, John Holtz; *Administrative Secretary*, Shirley Sulat; *Production*, Terry Miller; *Typography*, Randall Cherry, Sandy McCroskey; *Nation Associates: Director*, Sandra Zickefoose, *Assistant Director*, Carlos Durazo; *Syndication*, Jeff Sorensen; *New Business Manager*, Jay Pearsall; *Special Projects Director*, Peter G. Meyer; *InterNation*, Chris Calhoun.

The Nation (ISSN 0027-8378) is published weekly (except for the first week in January, and biweekly in July and August) by The Nation Company, Inc. © 1989 in the U.S.A. by The Nation Company, Inc., 72 Fifth Avenue, New York, NY 10011. (212) 242-8400. *Washington Bureau:* Suite 308, 110 Maryland Avenue N.E., Washington, DC 20002. (202) 546-2239. Second-class postage paid at New York, NY, and at additional mailing offices. International Telex: 667 155 NATION. Subscription orders, changes of address and all subscription inquiries: *The Nation*, Box 1953, Marion, OH 43305. *Subscription Price*: One year, $36; two years, $64. Add $14 for surface mail postage outside U.S. Claims for missed issues must be made within 60 days (120 days foreign) of publication date. **Please allow 4-6 weeks for receipt of your first issue and for all subscription transactions.** Back issues $3 prepaid ($4 foreign) from: *The Nation*, 72 Fifth Avenue, New York, NY 10011. *The Nation* is available on microfilm from: University Microfilms, 300 North Zeeb Road, Ann Arbor, MI 48106. POSTMASTER: Send address changes to *The Nation*, Box 1953, Marion, OH 43305. This issue went to press on October 5.

EDITORIALS.

Capital Gained

A coward dies a thousand deaths, the brave die only once. That adage applies to the Democratic Party, which suffered another little death when sixty-four of its very own in the House of Representatives joined with the Republican minority to pass a deep cut in the capital gains tax. To its partial credit, the Democratic leadership tried to wage the good fight, even resorting to mild, last-minute populist rhetoric. But whatever the Senate does, the party's defeat in the more popularly attuned House on such a basic question is one more indication that the Democrats, so often at war internally, cannot fashion themselves into a cohesive opposition.

The issue of fair taxation drives Democrats nuts. They can't figure out how to argue against tax breaks for the rich because they are afraid they will be seen as either tax-raisers or rabble-rousers. Witness the remarks of Les AuCoin, an otherwise sensible liberal: "The American people do not buy in, in any fundamental way, to a class warfare political argument. The American people . . . are looking for

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leadership that argues for economic growth strategies." Those lines could have come from the mouth of a Jack Kemp or any other supply-sider. (AuCoin, an Oregonian, stuck with his leaders, though he clearly preferred to back the tax cut, much desired by the timber industry in his state.)

The party's leadership did try to point out that the capital gains tax is a sop to the rich. After all, the Congressional Budget Office estimated that four-fifths of the benefits would go to taxpayers with incomes above $100,000, about 3.3 percent of the population. But leave it to the Democrats to botch an easy task. "We did not have long enough a time to argue" the issue, was the excuse offered by Thomas Foley, who as House Speaker should be able to control matters of timing and strategy. And the Democrats had no mobilized progressive constituency. Labor and public interest groups, short on time and lacking an overarching political message, had little say in a debate dominated by those who have the most capital to gain.

Even though they failed to summon average taxpayers to the barricades, Democrats still found themselves assaulted by Republicans and even some in their own party for preaching the politics of economic confrontation—a charge that in genteel Washington is tantamount to treason. Now G.O.P. leaders are gleefully portraying their opposition as soft on tax cuts. So the Democrats suffer the consequences of taking a tough stand without any of the benefits—and without really taking it.

Sure, not all Democrats are eager to be the party that takes on the organized power of wealth. They need capital too—especially at election time—and they hate to bite the wealthy hands that feed them. The sorry outcome in the House underscores the need for campaign finance reform. One Congressional aide, long skeptical of the necessity for publicly financed campaigns, had his mind changed by the capital gains tax debate. "I've never seen it so brazen," he said. "Members were coming in and saying they had to vote for the capital gains because of one or two of their key contributors." One Democrat told the leadership that he had promised two big real estate developers in his district that he would vote for a lower capital gains rate, and try as he might he just couldn't figure out a way to escape the commitment.

What the Democrats need to "figure out" is to whom and what they are committed. Sacks of mail and a flood of calls from elderly Americans forced Congress to turn on a dime regarding catastrophic health care. The same type of effort could have been staged on capital gains, particularly if the leadership had joined forces with the natural Democratic constituency. The lesson is, if you're going to whip up class resentment, don't do it halfheartedly at the eleventh hour.

COMING UP

Academe Goes Private:
The Big Business of Education

By Leonard Minsky and David Noble

Up in Smoke

The news from Washington this week brought excited reports of "milestones" and "stricter standards" reached in deliberations over one aspect of the Clean Air Act, automotive emissions. But it was just another case of regulation as reassurance. Although the proposed standards represent a victory for anti-smog forces over the auto industry, if passed the strongest measures would not go into effect for thirteen years, and then the E.P.A. could decide if they were even necessary. Such "milestones" prompt questions about the efficacy of regulation as the chief approach to environmental degradation. In the weeks ahead those questions should become more insistent as Congress takes up the pricklier matter of incineration.

Already the basic impulse in regulating incinerators is to assure the public that danger can be avoided with proper scrutiny. In this issue of *The Nation*, Carol Strickland tells the shameful story of Marine Shale Processors, which, unregulated, became the nation's largest disposer of hazardous wastes. But how much better is an incinerator ostensibly restrained by the regulator's hand? Consider the case of Rollins Environmental Services, notorious as a polluter in Louisiana and other states and, ironically, one of Marine Shale's loudest critics. At a Rollins plant in Bridgeport, New Jersey, an explosion in 1977 killed two people. Four years later the incinerator blew up again. Area residents complain of vomiting, eye irritations, respiratory ailments. Carcinogens contaminate nearby groundwater. Last year Rollins was fined $1.9 million for its involvement in illegal shipments of hazardous ash; this year, after running eighteen years on various temporary permits, it received a final operating license.

In the incineration business, the experience of Rollins fairly reflects the state of regulation. Four years ago the E.P.A.'s Science Advisory Board stated that the agency had no idea of the magnitude of pollutants being emitted by operating incinerators and urged an upgrading of regulations. This advice has been taken seriously by two E.P.A. administrators; both proposed an upgrade to the White House Office of Management and Budget, and both were denied on the ground that any change would be too onerous for the industry. There is, for example, no proscription against the burning of heavy metals, even though such lethal substances as lead, chromium, arsenic and mercury are not destroyed in the process but merely oxidized or left as unburned waste. According to the Midwest Research Institute, as much as 53 percent of heavy metals fired in a kiln go up the smokestack. Yet it is doubtful that prohibitions on such burning would have much effect, since there is little oversight of incinerator operation. Metal drums are regularly burned along with the wastes they hold. The chemistry of incineration—in which molecules break down and recombine in new, often more dangerous, ways—is not monitored. Although hazardous waste suppliers are supposed to identify the substances they send for burning and disposers are supposed to fit the toxin to the technology, this

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is largely left to trust. And because there is more money to be made by accepting vast quantities of waste, the incinerator operator is unlikely to discriminate. That is a rational business choice.

For Congress, already the servant of business and now anticipating a boom of more than 350 new incinerators, the rational political choice is to regulate the industry enough to maintain the appearance of responsibility but not so much as to squelch what investment bankers are pushing as a major economic growth area. Not since the mid-1970s, when enforcement of environmental law began seriously to discommode capital, has government been an aggressive watchdog. In fact, over the past fifteen years, despite a plethora of regulations, the average levels of toxic pollutants measured in the environment have not declined appreciably except where direct preventive action has been taken—as in the removal of lead from gasoline. Given that background there is little reason to expect that the revised Clean Air Act will be anything more than a slightly stricter right-to-pollute law.

Lobbing One Into The Kremlin

While the Baker-Shevardnadze talks in Jackson Hole, Wyoming, made the headlines, the cold warriors in the Pentagon and in the White House were not napping. They were checking the last details of a new secret war plan, which went into force on October 1. The plan, known by government officials and national security experts as SIOP-6F, for Single Integrated Operation Plan, contains a list of some 50,000 targets for nuclear attack in the Soviet Union and the Warsaw Pact countries. Different versions of SIOP have existed since 1960, but this latest one, according to Professor Desmond Ball, director of the Strategic and Defence Studies Centre at the Australian National University in Canberra, "represents the most radical change in both the structure and substance of the U.S. strategic nuclear war plan since the preparation of SIOP-63 in 1961-62."

According to Professor Ball, who spoke at a recent international meeting in Castiglioncello, Italy, organized by the Union of Scientists for Disarmament, the most significant change in SIOP-6F is its emphasis on a "prompt attack on the Soviet command and control system at the outset of a strategic nuclear exchange." In other words, the new U.S. plan is to wipe out the Politburo and principal Soviet commanders within hours of the beginning of a war, forcing a Soviet surrender.

Targeting the Soviet leadership is hardly new in U.S. nuclear doctrine; that option has been retained since SIOP-63. For almost thirty years, however, it was regarded as only a last resort, a desperate strike after a long series of nuclear exchanges. The reason is quite obvious: To strike the Soviet command authority would end any hope of what the nuclear deterrence experts refer to as a "controlled" nuclear war evolving in a "rational" manner through "escalation" and "de-escalation" phases.

Wishful thinking or not, this hope of controlled and limited nuclear war has been the official policy of every President and Secretary of Defense since John Kennedy and Robert McNamara. In its NATO version, it is included in the "flexible response" strategy and is supposedly the very pillar of the alliance, which re-endorsed it with great fanfare in Brussels this past May. In the name of flexible response the Bush Administration fought to prevent the so-called third zero option of eliminating battlefield nuclear weapons from Central Europe. It would be interesting to know how the European allies regard this somersault in U.S. strategic thinking.

The idea of "decapitating" the Soviet leadership at the outset of a nuclear exchange was first heard in 1979. Colin Gray, a British-born nuclear deterrence theorist who made his career in the United States, criticized U.S. nuclear doctrine as "passive" and made the case for a strategy that would destroy the Soviet state—for him, the only "politically meaningful war aim."

Amazingly, Gray's ideas—never officially accepted by the superhawks of the first Reagan Administration—are now vindicated by an Administration that toasts Gorbachev's reforms at least once a month. A strategy which is "extremely provocative," in Ball's words, has entered into force at the very moment when arms control is moving full steam ahead and détente should become, in the words of James Baker, "real cooperation."

In fact, there is a wide gap between the rhetoric of officials in Washington and the day-to-day planning conducted by the Joint Strategic Target Planning Staff in Omaha. "Now the situation has improved," says Professor Ball, "but for decades the targeting community in Omaha simply ignored what the people responsible for nuclear policy in Washington thought or wanted." The result was that SIOP evolved slowly and not always according to the political or military guidelines set up in the office of the Secretary of Defense.

Although "decapitation" became a distinct option in nuclear planning in 1980, the weapons systems needed to implement such a policy did not exist. Now the U.S. arsenal contains the MX "Peacekeeper" and the submarine-launched Trident 2, designed to destroy hardened targets, including underground leadership bunkers and command sites, as is the Strangelovian nine-megaton B-53 warhead—600 times more powerful than the bomb that annihilated Hiroshima. A year ago, Defense Secretary Frank Carlucci authorized the development of earth-penetrator warheads that could be deployed on either ballistic or cruise missiles. New sensor systems, to be deployed on aircraft or satellites, would locate Soviet leadership and command and communication facilities during a nuclear war.

There is no secret about the purpose of the sophisticated, and hyperexpensive, systems built during the Reagan years: "[Our strategy] places at risk those political entities the Soviet leadership values most," President Reagan said in

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January 1987, "the mechanisms for insuring survival of the Communist Party and its leadership cadres, and for retention of the party's control over the Soviet and Soviet bloc peoples."

This may have been a heavy burden for the Bush Administration to inherit, but there are no signs that anyone in the White House or the Pentagon plans to change or reverse the follies of their predecessors. Quite the contrary: The *summa theologica* of the Bush Administration's nuclear doctrine is a secret document called "U.S. National Strategy," signed by the President in June, which announces the guidelines for SIOP-6F. The only element in which Bush's approach differs from that of his mentor is in its presentation. A couple of years ago, generals called the new plan "SIOP-7." But it was rebaptized SIOP-6F—to downplay the change and stress continuity and, perhaps, to avoid alarming the public. FABRIZIO TONELLO

Fabrizio Tonello is the author of La Guerre des Étoiles *(Paris, 1986) and covers East-West relations and nuclear weapons negotiations for a number of French and Italian publications.*

Enabling Act

The Americans with Disabilities Act, which passed the Senate 76 to 8 last month, seems assured of acceptance by the House. In its present form the law will make it illegal for employers to deny a person a job solely because of a disability and will require them to make a "reasonable accommodation" to that person's incapacity, unless doing so would cause the company "unreasonable hardship." Businesses will have to take "readily achievable" steps to open facilities to disabled people, and new buildings will have to be made accessible to them, as will bus and rail lines. Telephone companies must provide relay service for hearing- and speech-impaired people.

Although trade groups like the National Federation of Independent Businesses and the American Bus Association are complaining loudly because the bill says nothing about costs, no one thinks their opposition will derail it. Indeed, everyone from George Bush to Ralph Neas of the Leadership Conference on Civil Rights is hailing the bill as a landmark in civil rights legislation.

And so it is. But lost in the celebration over the A.D.A. is the fact that an initial goal of disability rights groups was to amend Title VII of the Civil Rights Act, not fashion a separate law. For years our movement has been fighting the misconception that bias against the disabled is different from other kinds of discrimination. Protection under a separate law, even though it is modeled after Title VII, does not help to dispel that notion.

It will be years before A.D.A. will have any real effect on the lives of the 43 million Americans who are disabled. The Senate's version gives some employers up to four years to think about hiring disabled workers. Telephone companies are given three years and private bus companies up to seven years to comply with sections of the law affecting them. Some subway stations will not have to conform to the new regulations for two decades.

Although the A.D.A. carries decent enforcement provisions—its Title I, prohibiting employment discrimination, incorporates by reference the remedies and procedures of Title VII of the Civil Rights Act, for example—even the strongest law cannot end discrimination if no complaints are filed. So it is unfortunate that a provision allowing victims of discrimination to sue for punitive damages was dropped at the White House's insistence. Regrettably, disabled people are not sufficiently organized to press for the kind of enforcement that would make the A.D.A. more than a public-spirited gesture, and the Bush Administration knows it. That's why it can afford to back the measure: It's a low-risk commitment to a relatively unorganized group that on the whole has raised little fuss in the past. And some people who were involved in negotiations over the bill say that the Administration saw it as a relatively painless way for the Republican Party to woo a new constituency.

Nevertheless, even a low-risk A.D.A. leaves some members of the Administration uneasy, particularly Secretary of Transportation Samuel Skinner. Guided by the 1973 Rehabilitation Act, a precursor to the A.D.A., the Carter Administration issued rules requiring lifts on buses, but the transit industry has tenaciously argued against these rules in court. As chief of the Chicago Transit Authority from 1984 until last February, Skinner fought lifts on buses, and in his present post he has resisted a 1988 Court of Appeals ruling requiring these lifts on new vehicles. In July the court ordered the Department of Transportation to clarify its rules, but it still hasn't done so.

Skinner also refuses to issue rules implementing the 1986 Air Carrier Access Act, which forbids discrimination by airlines. (Ironically, Equal Employment Opportunity Commissioner Evan Kemp, a wheelchair user and a leading spokesman for disability rights in the Administration, says he misses half his speaking engagements because of discriminatory arrangements by airlines.) For these actions, Skinner attracted an angry group of demonstrators from the American Disabled for Accessible Public Transportation (Adapt) when he spoke before the American Public Transit Association last month in Atlanta.

Skinner was reportedly opposed to the Administration's endorsement of the A.D.A. until the last minute. If his laggardly implementation of the Air Carrier Access Act and of the court order on bus access are any indication, it's no wonder the White House has lost little sleep over its decision to support the act.

One of the best ways to kill a civil rights concept is to pass a law and not enforce it. With no money appropriated for enforcement of the A.D.A., it's a safe bet civil rights agencies will be in no hurry to stand up for another set of oppressed people. Even so, discrimination against people with disabilities has now been officially acknowledged. We've got a foot—or a wheel or a cane—in the door. MARY JOHNSON

Mary Johnson is editor of The Disability Rag.

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MINORITY REPORT.

CHRISTOPHER HITCHENS

People argue endlessly about Auden's intention when he wrote, commemorating Yeats, that "poetry makes nothing happen." They tend to forget that he put it like this:

> For poetry makes nothing happen: it survives
> In the valley of its making where executives
> Would never want to tamper . . .

"It survives." Not a very grand claim on the face of it. But mark the implicit idea that it survives actively as well as passively; that it outlives its prosaic and banal enemies. The thought recurs while reading *Resistance*, the poetry of Victor Serge, newly translated from the French by James Brook and published by City Lights Books (261 Columbus Avenue, San Francisco, CA 94133) in perfect time for next year's centenary of Serge's birth. By the single term "executives," Auden obviously meant the bureaucratic, the commercial, the literal-minded and the repressed. Victor Serge's entire life was a confrontation, in word and action, with those forces. His *Memoirs of a Revolutionary* is part of the core record of the interwar drama of fascism and Stalinism, and his novels—*The Case of Comrade Tulayev*; *Birth of Our Power*—have an advantage over Arthur Koestler's fiction of revolution and betrayal by virtue of a superior purity and intensity. Still, what a shock to find a shuddering anticipation of *Darkness at Noon* in his 1938 poem "Confessions," about the Moscow Trials:

> If we roused the peoples and made the continents quake,
> shot the powerful, destroyed the old armies, the old cities,
> the old ideas,
> began to make everything anew with these dirty old stones,
> these tired hands, and the meager souls that were left us,
> it was not in order to haggle with you now,
> sad revolution, our mother, our child, our flesh,
> our decapitated dawn, our night with its stars askew,
> with its inexplicable Milky Way torn to pieces.

Although much of Serge's poetry bears the marks of the place and time in which it was written—an outpost of the gulag during the extermination of the Bolshevik old guard—it is by no means didactic or political verse. In "Trust," for example, he is almost lyrical ("I've seen the steppe turn green and the child grow") about the natural and human symphony. And in "Boat on the Ural River," you do not have to know that his companions on the voyage are fellow deportees, because the poem is about friendship and hardship:

> *Kiss the girl you fancy . . .*
>
> Jacques lightly purses his thin lips
> like a wise Jew who will live to grow old.
> Boris with the profile of a hungry wolf
> drinks in the sadness of a night without drink.

Serge occupied that fragile and fascinating span that extended between the Surrealist Manifesto and the platform of the Left Opposition; between André Breton and the betrayal of Barcelona. His internationalism was as natural to him as his breathing. He hated backwardness and servility, whether political or artistic, and he hated it most of all when it was manifest among so-called revolutionaries. He saw Yesenin, Mayakovsky, Mandelstam, either destroyed or demoralized by the crushing pressure of a brutal pseudo-realism, and he also saw the cowardice of many writers and intellectuals in the face of this pressure. His defiance of conformism and time-serving is best evoked in his poem on the death of Panait Istrati:

> You lay upon your press clippings, like Job upon his ashes,
> quietly spitting the last bit of your lungs
> in the faces of those copy-pissers,
> glorifiers of profitable massacres,
> profiteers of disfigured revolutions . . .

Yeats used to speak of "a book of the people": a record of tradition, precept and insight that was transmitted invisibly and independently of the doings of high culture and politics. The importance of poems and songs to this metaphorical "book" is obvious. They can be learned and treasured even by the poor and illiterate, as Homer was preserved in antiquity. Poetry, in other words, is morally proof against censorship. Serge's own work is a nice instance of this quality. When he was finally deported from the Soviet Union in 1936, the goons at the border confiscated his manuscript. But once in Paris he was able to recompose the poems from memory, a sterling proof of the strength of poetry as against the executives. As he put it in his fragment "Be Hard":

> In time flesh will wear out chains,
> In time the mind will make chains snap

When Serge died, an impoverished and neglected exile in Mexico, he had tasted every variety of disillusionment and defeat. But he never degenerated into cynicism or permitted himself a flirtation with any variety of reaction. That would have been despair, and it was despair that his poems so beautifully, and with dignity and humor, kept at bay.

In later life he would tell his son to keep clear of the anti-Soviet cult that was spreading with such meretricious ease through the Western intelligentsia. It was important, he said, to keep up great hopes. And now it has been announced that the literary magazine *URAL* will publish *The Case of Comrade Tulayev*, thus bringing to a Soviet readership a novel about the reality of the purges that anticipated Solzhenitsyn by several decades. Moreover, the Foundation for Soviet Culture has agreed to institute a search for the original manuscript of Serge's confiscated poems.

But that is all secondary and antiquarian. Serge's poetry has already stayed true to Auden's injunction. In fact, it may even have improved upon it. The poetry has survived. And by surviving, as part of the residue of a tragic but incomplete struggle, it has contributed to making something happen:

> Let's get to work so that one day, perhaps, a passerby might
> see
> in the lines ripening at this moment, as I too haul in my
> net in the pond of useless days,
> some traces of a reassuring sky that I cannot see there.
> —"On the Ural River" (Orenburg, summer 1935)

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ARTICLES.

TOXIC POLITICS IN LOUISIANA

Something Stinks In Morgan City

CAROL STRICKLAND

"You smell sulfur—that rotten egg smell?" asks Kim Folse. "That's an oil well blowing off somewhere in the gulf." For natives like Folse of Morgan City, a tiny petroleum and shrimping town ninety miles southwest of New Orleans, where unemployment hit 27 percent a few years back, any whiff of oil activity is welcome. But other smells are not so enthusiastically received. Chlorine fumes and odors of ammonia, paint thinner, creosote and pesticide have regularly sent citizens racing to file complaints with the Louisiana Department of Environmental Quality (D.E.Q.). The source of the fumes, and of occasional black, orange, blue and yellow smoke, is Marine Shale Processors, located eight miles east of Morgan City. The nation's largest hazardous waste incinerator, M.S.P. burns 100,000 tons of toxic waste each year. Now, after almost five years of virtually unregulated operation, M.S.P. is in trouble—with the courts, with state and Federal environmental authorities and most of all with the people of Morgan City. Yet even as those forces move to shut it down, M.S.P. continues to burn. Its story presents a case study of the power of money and political influence endangering the health of a community while civic watchdogs either doze or tie themselves up in legal and bureaucratic knots.

In this oil patch of Cajun country, as oil prices continued to plunge, bankruptcy spread like kudzu and residents moved out of state at a rate of 85,000 a year. M.S.P. became the second-fastest-growing company in Louisiana. Its customer rolls swelled from fifty-two in 1986 to more than 3,000 in 1988. Its gross revenues, with an astounding profit margin of 25 to 40 percent, shot from $5.5 million in 1986 to $39 million in 1988. State and local officials looked benignly upon the company, which provided jobs for 325 people and charity for forty civic groups, donating uniforms to the school band and holiday turkeys to the needy. But some citizens saw things differently. Despite the apparent economic benefit, the issue, says lifelong resident Monica Mancuso, was whether "power is used or power uses us."

Jack Kent, the founder of Marine Shale, is a master at manipulating power. At the end of 1984, having made and lost one fortune in the oil industry, he approached his friend Governor Edwin Edwards, to whose re-election campaign he had donated at least $75,000. With the help of Edwards and one of his lackeys, another friend who drew up the necessary legislative proposal, Kent hoped to gain a monopoly on the disposal of spent oil-drilling mud. That legislation was still pending in January 1985, but Kent received state and parish permits to incinerate these relatively nonhazardous oil wastes at his new company. When the mighty oil and gas lobby finally defeated Edwards's proposal, Kent found himself with a kiln but no customers. Ever resourceful, he turned to toxic waste disposal, in violation of his permit—a fact discovered when a fire at the plant brought a surprise visit by D.E.Q. inspectors.

Kent then took a new tack. Proclaiming his desire to purify the environment, he asked the D.E.Q. for permission to burn material from local abandoned hazardous waste pits as fuel in order to manufacture a product—vitrified combustion ash—which he planned to sell to construction companies for landfill and road building projects. He said that because of his "revolutionary" methods, the ash would be completely safe; and indeed M.S.P. once delivered a load of processed ash to a local playground. "He presented it as a mom and apple pie kind of operation to help us get rid of a significant environmental problem," says Patricia Norton, Secretary of the D.E.Q. at the time. "It sounded almost too good to be true, and in retrospect, it was."

After Norton, under intense pressure from Governor Edwards, granted M.S.P. a permit to dispose of creosote, which when burned can release dioxin, Kent immediately began to take a wide variety of hazardous wastes from all over the country. "Had I known what Mr. Kent intended to do with the facility, I would never have issued any permit," Norton now says. "There is no doubt the permit was fraudulently obtained."

Jack Kent, 49, a plain-spoken man with the complexion of a boiled lobster, is blunt about his plant's early operation. "It was pretty much of a trial and error type situation . . . from day one," he says. Willie Fontenot, environmental specialist in the Louisiana Attorney General's office, visited M.S.P. before the company incinerated its first load: "The manager said, 'This is a top-notch, state-of-the-art facility.' They said they had super-duper air bags which would never blow out. Two weeks later they fired up and very shortly thereafter their air bag blew and they had black smoke all over the place." Parish Councilman Bob McHugh recalls the day the plant spewed a thick plume of black smoke that was visible for ten miles. "It was suffocating. I can remember Jack Kent's words: 'I know the damn thing's not right. I don't blame the people for complaining.' But he kept on burning." Meanwhile, D.E.Q. officials who had written regulations and made policy recommendations applying to M.S.P. began to leave state employ and, with unseemly haste, join Kent's payroll.

Still, in its first year the company was cited frequently by D.E.Q. for operating violations. "When they opened up, they had no one—I mean *no one*—trained in the handling of hazardous waste," says McHugh. "There were accidents on top of accidents, one fire after another." Reeking

Carol Strickland, a native of New Orleans, writes frequently on Louisiana politics.

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creosote fumes, coupled with skin and eye irritations, drove nearby businesses to evacuate.

"You'd barf if you came near their old blending barges," says an inspector with the Environmental Protection Agency (which eventually got into the act), and, indeed, a number of visiting journalists have vomited in reaction to the fumes billowing out when workers open barrels of waste. "It's the worst part of the operation," the inspector says. "They stir up volatile organics with a backhoe. I personally wouldn't want to even come close to the goop in those barges without a respirator."

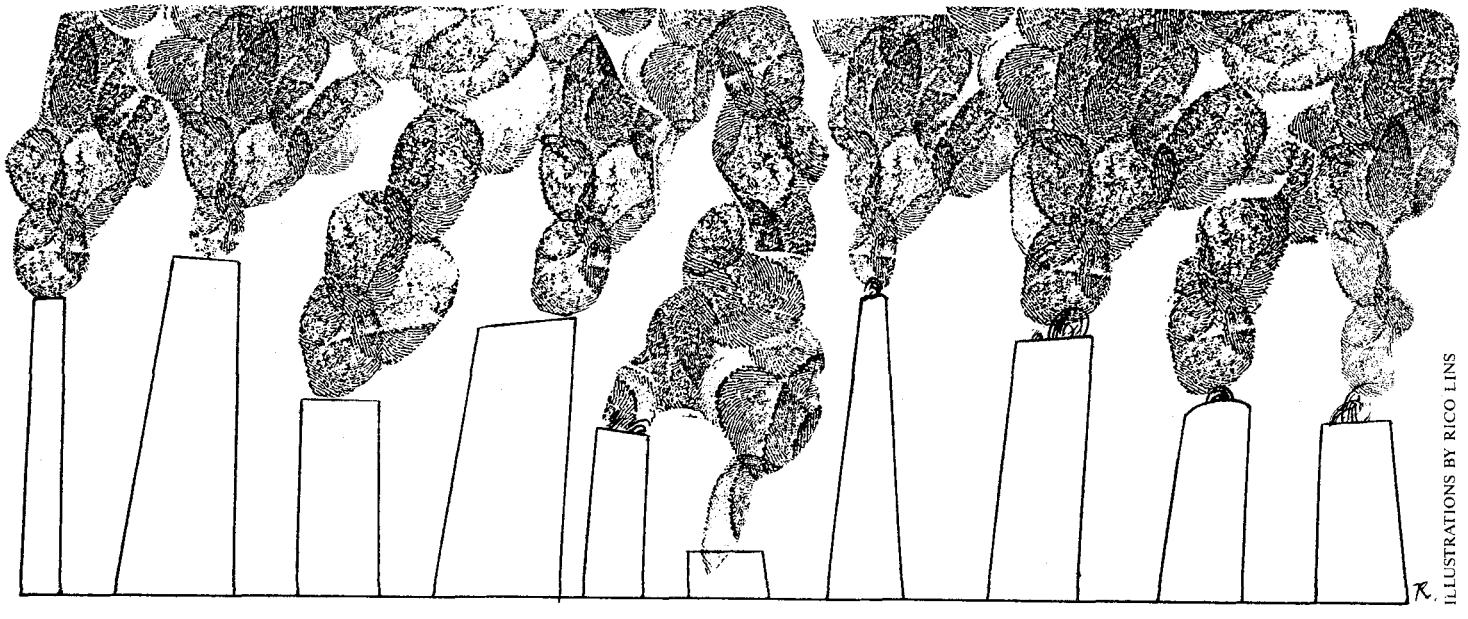
The D.E.Q. issued cleanup orders, but M.S.P. refused to comply. Instead, in 1986 Kent sought formally to classify M.S.P. as a recycling facility. That designation places a company under regulations even more relaxed than those governing incinerators, exempting it from costly and time-consuming procedures for disposing of incinerator ash and thereby giving it a privileged position in the marketplace. As a "recycler," M.S.P. would be able to undercut its competitors' prices by 60 percent. Fontenot remembers advising Norton to refer the case to the Attorney General, "because the people involved were close to the Governor, and Edwin Edwards likes to help his friends."

But Norton capitulated to political arm-twisting and approved M.S.P.'s classification as a recycler without holding full hearings. Inspectors in her department continued to document incidents of "environmental degradation," while M.S.P. employees suffered chemical burns, temporary loss of sight, collapsed lungs and bronchitis caused by exposure to dangerous gases. At a citizens' meeting Deborah Mabile spoke of her husband, Douglas, an M.S.P. employee who had signed a nondisclosure form and couldn't discuss company activities: "He was making $6.50 an hour, which is pretty good when you've been unemployed. But when he came home, every nerve twitched like he'd been exposed to pesticides. And he had a full face mask on. . . . If there's nothing harmful in there, why in the hell did my husband come home looking like he was sprayed with bug spray?"

Marine Shale, 10 percent of whose employees are influential lawyers, public relations pros and technical consultants, managed to appeal and rescind every D.E.Q. compliance order. In exasperation Norton, who would soon be fired by Edwards for being too "environmental," turned the case over to the E.P.A. for enforcement. "I thought the E.P.A. was ready to move and would close it down in twenty-four hours," Norton says. "Not only did the company not do what they promised, but the Federal government didn't do what they said they'd do either."

Although the E.P.A. burst in like Eliot Ness, armed with criminal search warrants to seize M.S.P. records in November 1986 (and in a second raid in June 1988), for two and a half years almost nothing happened. A hush-hush grand jury probe investigated, under organized crime statutes, issues of public corruption, influence peddling and environmental crime. But all that time M.S.P. kept burning mercury, DDT, cyanide and deadly dioxin-containing wastes from thousands of companies throughout the country, and even from two toxic waste sites under E.P.A. supervision. And in Washington, Trent Lott of Mississippi, then the House minority whip, wrote to E.P.A. Administrator Lee Thomas urging the agency to stop its "harassment" of Lott's "very close friend" Jack Kent.

In February 1988 the D.E.Q. issued a list of water quality violations and warned of "accidents waiting to happen." "Baghouse" dust, stored in uncovered piles, containing high concentrations of lead, cadmium and other extremely toxic pollutants, was later found blowing freely about the site. Mike McDaniel, the D.E.Q.'s assistant secretary of air quality, estimated that every year forty tons of uncontrolled, unfiltered and unpermitted emissions escaped unintentionally from the M.S.P. plant. For more than two years wastes were also stored in leaking, listing open barges on Bayou Boeuf adjacent to the plant, contaminating the bayou with polynuclear aromatic hydrocarbons (among the most dangerous known carcinogens and mutagens) as well as high levels of cadmium, chromium and mercury. A drinking water intake is located in the bayou one-half mile from the plant.



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Yet because the E.P.A. had primary jurisdiction, the D.E.Q. was helpless to fine or force improvements. That's when Morgan City residents came in. Forming South Louisiana Against Pollution (SLAP), they threatened to sue M.S.P. But, again, because the E.P.A. discourages parallel civil proceedings while a Federal investigation is under way, the suit was never pursued. Citizen protest escalated, however, when five children within a period of eighteen months were diagnosed as having neuroblastoma, a fatal cancer of the nervous system. Neuroblastoma typically occurs in one child in 100,000; within a thirty-five-mile radius of M.S.P. there were five cases among 64,000 inhabitants. Two of the children died, spurring people across the parish to organize, lobby their legislators and denounce M.S.P. as a threat to public health. In addition to the cancers, they cited increases in respiratory problems, congenital birth defects, miscarriages and stillbirths among people living near the plant.

Because carcinogens leave no calling card, M.S.P. spokesmen can say there is no medical evidence linking their operation to the cancer cases. Also, Louisiana has one of the highest cancer mortality rates in the country. Producing one-quarter of the nation's chemicals, the eighty-mile strip of industrial wasteland between Baton Rouge and New Orleans is known as Cancer Alley. But those opposed to M.S.P. note the significantly higher rates of cancer clustered around incinerator sites elsewhere in the nation, as in Calvert City, Kentucky, and El Dorado, Arkansas. They also point to some disturbing parallels. SLAP member Melanie O'Neill says that in McFarland, California (population 6,000), twelve children in a six-block area contracted cancer, and the pesticide dinoseb has been implicated as a possible agent. In 1987 M.S.P. burned train-car loads of soil contaminated with dinoseb from that same area in California, at a time when the plant's bags for trapping harmful emissions had severely decomposed.

Things began to look brighter to people like O'Neill when Buddy Roemer, a reform candidate who strictly limited campaign contributions, became Governor and reversed his predecessor's "keep off the grass if you want to" approach to environmental quality. The D.E.Q. decided to pursue Marine Shale apart from the E.P.A. Roemer backed a bill that would nix the company's classification as a recycler and force it to apply for a new permit, putting it out of business for at least three years and possibly forever. The bill died in Senate committee—Senator Ben Bagert, the only committee member who voted for the bill, says, "Somebody was trying to stack the deck"—so Roemer's people reworked it. While forfeiting reclassification, they did gain the right to tougher regulation.

In an abrupt shift from past tolerance, the D.E.Q. proposed penalties of $4.5 million for M.S.P.'s air and water quality violations, citing "a high degree of recalcitrance, defiance, and indifference to regulations . . . reflective of a pattern of repeated non-compliance." In Louisiana, however, proposed penalties are far from imposed penalties. M.S.P., which has appealed the fines, can delay settlement through litigation and reduce levies through dickering, euphemistically known as "compromise." In the case of another company, for example, the D.E.Q. set an air quality violation fine of $66,000; it collected $17,000.

Marine Shale has cleaned up a bit since the days when black clouds of unburned creosote descended like an incubus on Morgan City. Yet a trial burn conducted last November indicated dangerous emissions of nitrogen oxides, particulates, sulfur dioxide, hydrogen chloride, hydrocarbons, heavy metals, dioxins and furans. And last May the D.E.Q. caught the company red-handed in two violations: illegally receiving hazardous wastes from a foreign country (Canada) and producing and selling ash that registered dangerous levels of lead and other heavy metals. State officials proposed an additional $958,000 fine and ostensibly revoked M.S.P.'s permits.

In July the grand jury's deliberations were concluded when M.S.P., whose slogan is "Let's Clean Up America," pleaded guilty to criminal violations of Federal hazardous waste laws and misdemeanor violations of Federal water pollution control laws. Under the terms of a plea bargain reached with the Justice Department, the company agreed to pay a fine of $1 million, admitting its culpability in storing creosote wastes in an open pile, contaminating the bayou and sinking a barge used as a storage vessel for hazardous wastes in the intracoastal waterway. The penalty represents the E.P.A.'s first major enforcement action against M.S.P., and the agency's spokesmen, declaring "Never again," promise more stringent Federal regulations to close the recycler loophole. (Whether the ash will be exempt from regulation remains unclear.) Meanwhile, M.S.P. customers have become skittish, fearing potential liability for site cleanup.

"It's unbelievable something like this can happen to you in this country," says Jack Kent, who insists that the state and Federal actions were instigated by his competition, the incineration behemoth Rollins Environmental Services. "You hear about stuff like this in Nicaragua, but to have a company that's so powerful they can crank up investigations, you wouldn't think that could happen in America."

But Jack Kent and the "trial and error" company that's made him millions tell a real American story. He began his venture with trickery and some well-placed favors, tools that would be on hand as, for years, he evaded the law, pocketed public guardians and poisoned a community. Now that this

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spree appears to be coming to an end, the laws he was able to manipulate remain in place. He has yet to pay a cent in penalties to the State of Louisiana. And every day that the appeals process continues, Marine Shale Processors goes on burning anything it pleases.

"The wheels of justice grind slowly," Willie Fontenot in the Attorney General's office said, reviewing the record optimistically. "But they do grind." □

'WE HAVEN'T SEEN *PERESTROIKA*'

Behind the Soviet Miners' Strike

LEWIS H. SIEGELBAUM

On the hottest day of the summer, as a thick haze hung over the city of Donetsk, I sat with Yuri Boldyrev on a bench in a park shaded by acacia trees. Boldyrev, a witty, self-confident man, had been elected chairman of the strike committee at the Gorki coal mine, one of the city's largest and most productive. Before this summer, many miners say, the word "strike" was not even in their vocabulary. But in July, 500,000 Soviet miners went on strike, more than half of them in the Donets Basin, the country's most important coal-mining region, of which Donetsk is the capital.

Boldyrev joined the Communist Party shortly after the Twenty-seventh Congress in February 1986, inspired, he says, by Mikhail Gorbachev's call to expand *perestroika* and determined to reorganize his section of the Gorki mine accordingly. Another inspiration was an article in the party's theoretical organ, *Kommunist*, in 1987. The article, titled "The Rejection of Clichés, the Destruction of Stereotypes," argued that *perestroika* would succeed only if small groups took initiatives rather than wait for instructions to come down from above. The initiative that Boldyrev and two of his comrades took in January 1988 was to operate their section, devoted to the raising of coal to the surface, on a leasehold basis. This idea met with the approval of other party members, who elected Boldyrev as party group organizer and his collaborator, Sergei Vasil'ev, as trade union group organizer.

The collective leasing of equipment did not in itself challenge the authority of the mine administration, but its assumption of responsibility for assigning personnel and controlling the distribution of funds did. This threatened to deprive management of its power over the allocation of resources and favors, thus striking at the heart of the administrative command system, or what Boldyrev archly described

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as "Soviet feudalism." Under this system managers receive their own means of production and distribution in the form of discrete funds with which they pay workers, nominally employed by the enterprise, to perform personal services. Thus, for every twenty workers, five may be engaged in fixing the boss's car, building his dacha or doing similar favors for inspectors, trade union officials, the police and others who are supposed to prevent this sort of thing.

Boldyrev referred to these workers as *podsnezhniki* ("snowdrops") because their activities are hidden from public view in the snow job performed by their bosses. The public organizations (party and trade union committees, councils of labor collectives) wink at the existence of snowdrops because, like the assemblies of medieval Novgorod, they are stacked with *gorlopani* ("shouters")—people who are bribed by the princely bosses to shout loudest for their benefactors. Endemic to mining and other industrial enterprises, this system of corruption also exists in the military, in the service sector of the economy, and undoubtedly in other spheres.

Challenging the system at the local level, Boldyrev and his friends soon provoked a response in kind. At the request of the section's chief mechanic, an administrative appointee, the mine's party bureau investigated Boldyrev's activities and resolved to remove him from the ranks of the party "for the political demoralization of the collective" and the "conscious and purposeful distortion" of state decisions. The mine's party committee confirmed this resolution, noting that Boldyrev had been guilty of "political immaturity and excessive haste in seeking to democratize the administration of production." As Boldyrev reminded me, this was the same formula that was used by the party's Central Committee to remove Boris Yeltsin from his position as Moscow party chief in October 1987. A lengthy appeals process ensued. Eventually, Boldyrev was reinstated as a member of the party but with a reprimand, and he and his collaborators were reassigned to different sections of the mine. There matters stood until July of this year.

In the meantime, other signs of miners' disaffection were surfacing. In March there were work stoppages at the Lidievka and Kirov mines in the Donets Basin, which were terminated after the intervention of the party's city committee and the regional coal administration. In May, Yuri Kachura, an electrician at the Kuibyshev mine, notified the party bureau that he was resigning from the Communist Party because he no longer believed in a one-party political system. This, it should be recalled, was just after many party members had suffered humiliating defeats in the elections to the new Congress of People's Deputies, even (or especially) where they ran unopposed. And in June, following a visit by Mikhail Gorbachev to Donetsk, the city committee forwarded a demand from a group of miners to remove the minister of the coal industry, Mikhail Shchadov, from office.

Incidents like these must be seen against the backdrop of a long-term deterioration in the living conditions of coal miners throughout the Soviet Union. The immense problems confronting the industry are clearly beyond the capacity of local authorities to solve. In the Donets Basin, it takes cutters as long as an hour to reach the coal-face, which is anywhere from one to two kilometers underground and in some places no more than a meter high. The regional associations have been increasingly hard-pressed to fulfill quotas assigned by Moscow and thus to earn enough to renew equipment, carry out capital repairs and distribute bonuses. The 1988 law on state enterprises, which provides for the marketing at higher prices of goods produced over and above state quotas, has largely remained a dead letter.

Then there is the problem of air and water pollution. Donetsk, with its twenty-one mines, literally chokes on coal dust. The city is also host to the Lenin Steel Factory, with 13,000 workers, which operates around the clock, seven days a week. Figures cited in the local press show that in June, the factory discharged 7.2 times the amount of sulfuric anhydride considered minimally acceptable by health authorities, 6.7 times the amount of hydrogen sulfide and 2.1 times the amount of dust. (The environmental degradation in the Kuzbas region of western Siberia, where workers also struck this summer, is even worse. According to newspaper reports, the incidence of cancer is ten to fifteen times the national average, life expectancy is ten years less and 87 percent of children born in the Kemerovo district have physical or mental "anomalies.")

Miners are relatively well paid. According to two Kuibyshev cutters, they and other underground workers typically earn 400 rubles a month, more than twice the national average. But, as we were told repeatedly, the problem is not money but what to do with it. In the deficit economy that the Soviet Union has become in the 1980s, there are many items in short supply. They include not only automobiles and refrigerators but places in the union's rest home and seaside resort, meat, sugar, soap and, yes, even coal for domestic heating. There is also a desperate shortage of housing. To the foreign visitor, the villages surrounding the mines look picturesque. Single-story stuccoed cottages painted blue and white abut on dirt roads, and with their fruit and vegetable gardens in the rear they present an image from another time. That is just the problem. As one coal cutter put it with only slight hyperbole, "Many miners still live in such conditions that if a film were shot here, you would think it was 1905."

Of course, this situation did not develop overnight. What many considered intolerable, however, was that at a time when other groups in Soviet society were seizing opportunities to express themselves and experiment with new organizational forms, the coal industry bosses continued to rule their enterprises in the old way, appropriating goods and services for themselves and their favorites and bringing into their magic circles trade union and party officials. "We haven't seen *perestroika*," was a comment heard often. It was not fear of the disruptive effects of economic reform that moved the miners to strike but rather anger that *perestroika* was passing them by. If hitherto the intelligentsia had been most vociferous in supporting *perestroika*, it was now the turn of workers, particularly the miners. As the chairman of the Kuibyshev mine's strike committee told us with evident pride, "We are now ahead of the intelligentsia."

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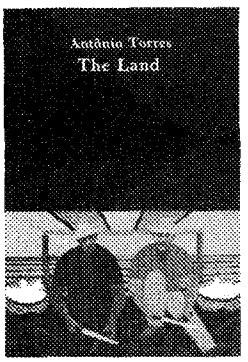

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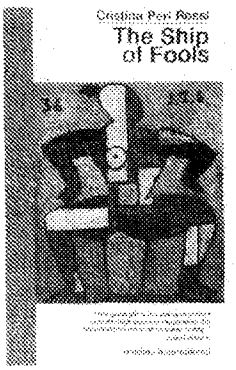

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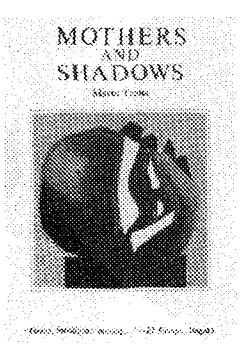

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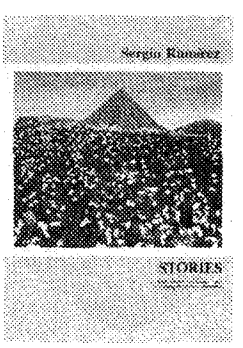

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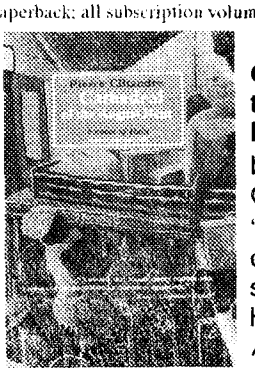

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On the morning of July 19, just as a weeklong strike in Siberia's Kuzbas region was ending, work stopped at several mines in Donetsk. By evening the square facing the headquarters of the regional party committee and soviet executive committee was crowded with miners. As successive shifts of workers arrived, strike committees were formed to articulate the miners' demands. They in turn chose representatives to a citywide strike committee which served as bargaining agent for twenty-one mines. Here, as in the Kuzbas, a governmental commission arrived to negotiate. On July 22 the two parties issued a forty-seven-point protocol, and on the following day the miners returned to work.

The protocol was incorporated into the general order issued by the coal ministry on August 3, which contained a list of provisions for the improvement of miners' material and social lives. It confirmed the right of each enterprise to control an unspecified proportion of what it produces, and granted all of them the right to sell coal both domestically and abroad at prices determined through contract bidding. It approved the right of workers' collectives to constitute themselves as cooperatives and otherwise engage in lease-hold relations with the state, and mandated an increase in the base wage rate for evening and night work. It also provided for supplements to pensions for workers suffering injury or job-related illness; the elimination of fines for violations of labor discipline; the establishment of clinics at every mine, Sunday as a general rest day, a program of housing construction to reduce the waiting time for miners' families to no more than six years by the end of 1992; and the immediate distribution of 800 grams of soap per worker.

These concessions, while significant, pale beside the fact that for the first time since the early 1920s, the Soviet government has acknowledged the legitimacy of organizations—the strike committees—that were created by workers and neither mediated nor dominated by the Communist Party. To be sure, approximately one-quarter of all strike committee members in Donetsk belong to the party and many others have been active in the trade union committees and the councils of labor collectives. But the presence of party members such as Yuri Boldyrev in the strike committees hardly signifies the miners' faith in party organs. Quite the contrary. As the bureau of the party's city committee acknowledged after the strike, "Many party committees and bureaus, their secretaries and many economic and trade union leaders had lost authority among the people."

Although formed on an ad hoc basis, the miners' strike committees did not disband once a settlement was reached. Point 19 of the July 22 protocol stipulated that committee members were to be freed from their normal work for two weeks after the termination of the strike, during which they were to organize re-elections to the councils of labor collectives and the trade union committees. The councils in turn were to decide whether to organize elections of management.

In practice, the procedures for these elections varied from one mine to another. Strike committees from the Kuibyshev and Panfilov mines held a joint session on August 5 that was attended by some 250 delegates chosen by their fellow workers. The meeting lasted all day but rarely departed from agreed-upon procedure. By contrast 3,700 miners from the Gorki mine gathered in a soccer stadium on the evening of August 6 to re-elect their trade union committee and labor collective. The meeting was chaired by Boldyrev, who characterized it as "a real circus." At the October mine, in violation of the protocol, the strike committee ousted certain key personnel even before the new elections. At the Kuibyshev-Panfilov meeting, the director and his staff sat in the front rows as observers. In some cases, the elections were by secret ballot; in others, by a show of hands.

Varied and even arbitrary as these procedures were, they did represent a major departure from the past, when such meetings were largely formal affairs, usually precooked by the party and culminating in unanimous if perfunctory votes. At Kuibyshev-Panfilov, the meeting began with a lengthy report by the chair of the trade union committee, who attempted to justify his actions, or more accurately his inaction, on a broad range of matters. Then, one after the other, delegates rose to put questions to him. Sitting in the balcony, I could not help but be struck by their intensity and passion. Why had the few cars allocated to the mine gone to management? Why do people who do not work at the mine get to go to our resort on the Black Sea? How many times in your twenty-five years here have you gone to the resort, all expenses paid? Would you describe yourself as a bureaucrat? Aren't you ashamed to be standing there without having done anything for us? In the end the delegates resolved, by a fairly close vote, to send a letter to the Ukrainian Council of Ministers requesting that it rescind the title of "Honored Miner of the Ukraine" that had been awarded, with associated privileges, to the feckless trade union leader. The bookkeeper, who could not explain how certain funds had been misappropriated, was also summarily dismissed.

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But even more than the settling of old scores, the meeting was distinguished by a sense of awakening and renewal. One strike committee member, who had been dismissed from his job several times for disruptiveness, made an especially impassioned speech. He rattled off the high salaries and privileges of the director and assistant directors to gasps and imprecations from the audience. And why is this so? he asked. How have we let this happen? "It is because from Stalin to Brezhnev we have put up with the monopolization of power, because we have been politically immature and inactive, because we were asleep." Concluding that leaders of all organizations must be elected and held accountable by the rank and file, he evoked the loudest and most prolonged applause of the day.

The situation in the coal fields is still tense. The strike committees continue to operate, functioning as shadow authorities to monitor the fulfillment of the July 22 agreement. More than that, they are coalescing into regional councils. On August 17, the Donets Basin regional council issued a declaration calling on strike committees in other parts of the country to follow its example with the aim of creating a national council. Indeed, what seems to be a strike committee movement is gathering pace among the workers. In early August workers at the Enakievo Steel Mill elected a strike committee that lodged no less than 700 demands with the mill's administration, the city soviet, the Ministry of Ferrous Metallurgy and the Supreme Soviet.

Meanwhile, in Donetsk local party and trade union organizations, having failed to re-establish their authority, remain in disarray. By contrast the strikes breathed new life into the councils of labor collectives, institutions set up two years ago to give rank-and-file workers a consultative voice in enterprise decision making but hitherto dominated by snowdrops and others dependent on the administration's favors. When, or if, the strike committees disband, it is likely that their functions will be assumed by the councils. Certainly, there is considerable overlap of membership. At the Gorki mine, for example, the chair of the new council is a strike committee member, as are his four assistants, among them Yuri Boldyrev.

Whatever the ultimate institutional framework, many problems will remain. Raising the price of coal may have some short-term benefits for miners but will undoubtedly have an inflationary effect. Enterprise cost accounting, profit sharing and other arrangements provided for by the agreement will make for more local control, but profit sharing is contingent on there being profits at all. Without massive investment in new technology and a radical program to address environmental problems, it is hard to see how the gains made by the miners can be sustained. Beyond these concerns, the Soviet government has indicated its uneasiness about the negative effects that strikes would have on an already shaky economy. On October 3, the Soviet legislature temporarily banned miners and all other workers from striking. The draft of a new law, euphemistically titled "On Procedures for the Resolution of Collective Labor Disputes," is now before the Supreme Soviet. While permitting

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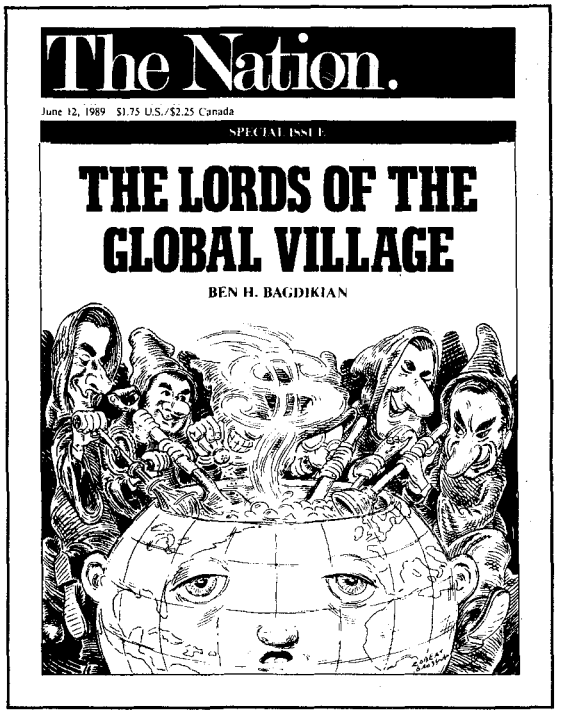

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strikes in principle, it prohibits wildcat strikes, requiring a cooling-off period and arbitration.

Still, the miners of the Donets Basin, the Kuzbas and elsewhere in the Soviet Union have learned important lessons about their own collective strength and the necessity for self-organization and solidarity to achieve their goals. How ambitious they are and whether other workers will follow their example is still unclear. But something other than coal dust is in the air. As we left Donetsk, preparations were under way for Miners' Day, observed annually on the last Sunday in August. This year, unlike so many years in the past, there appeared to be something to celebrate. □

WHITE HOUSE DIARY

Exhaust-Op and The P.-Rind Flap

DOUGLAS McGRATH

Ever since The Nation *published Robert Sherrill's inside report on Jimmy Carter's Cabinet meetings ("Message of the Leaked Minutes," September 30, 1978), we've been on the lookout for more unexpurgated material on the inner workings of the White House. It was thus with pleasure that we heard from our friend the writer Douglas McGrath, who discovered the following document, apparently intended for a literary agent, which had been sent to his fax machine by mistake. Someone in the Bush Administration (the text was not signed) is already at work on his memoirs, it seems. The text began with the following note: "Here is first installment of WH Diary. More TK. Pls hold for safekeeping. Don't shop it around until I'm fired."*

Kennebunkport

Aug. 16: Before we left D.C., Sunu told Prez Sen. Mitchell had called w/new info re: Prez's role in Iran-*contra*. Prez's eyes crossed, banged apart and he laughed. Then he said, "Super!" Told Sunu to invite Mitchell to Kennebee.

Because of above, as well as upcoming Big Drug Speech, Atwa urged Prez to implement Presidential Security Measure 67XXOD—"Exhaust-Op." Every day, all day, Prez will haul press around through so many sports that by the time briefing comes, reporters will be too exhausted to ask anything. (Atwa is so smooth. Whole time he's explaining this phenom. plan, he was leaning back in his chair, lighting matches and throwing them on his tongue.) Prez not interested, though. Said: "I'll have to pasadena on that one, Attie!"

Aug. 18: You've got to hand it to Atwa. On our way to Drug Speech meeting, Brit Hume said source had informed him there weren't any pork rinds in house. Hume said he had seen Prez eat a pork rind only once, during the campaign at a Rind Opportunity I set up. Asked Prez if his so-called passion for pork rinds wasn't just an election-year come-on to give him more appeal to the blue-collar, rind-eating voters. Prez told him, "Humester, let me help you with something about me: *was*, *am* and always *will be* a rind-a-holic. If that's a crime, fine, I've got a record." Invited press to pantry tomorrow to view pork rinds.

Emergency meeting. Me, Sunu, Atwa and Prez. Naturally, no p.-rinds in house and all stores in this hick town are closed. Sunu called Situation Room. Sub is being dispatched to Portland for rinds where there's a 7-11 near the shore. Prez v. irritated by all the rind ado, esp. since, "now it means I'll have to eat one again." Immediately told Atwa activate Exhaust-Op.

Atwa v. pleased re: this. Said: "I knew it would pay to leak rind stuff to Hume."

Aug. 19: Pork rinds secured. (I had to snorkel out at 3 A.M. to procure them from sub.) Press behav. typical. When they saw rinds in pantry, everyone dropped the story, except for *USA Today*. (They had color graph and headline: "We Have Lots of Rinds.") Then somebody wanted Prez's response to day's events in Poland. Prez said all q's about Poland would be answered at day's briefing. Then told everyone to meet him at pool in 15 minutes for swim meet.

Emergency meeting. None of us knew what day's events in Poland were. Sunu had been having swimsuit let out; Prez in chin-up contest with Andrea Mitchell and Hugh Sidey. (Sidey is pathetic. He only did one!) Sunu was supposed to get house wired for CNN after the inaug. but let Q. do it, since Mrs. Q. made stink about Q. having no responsibilities. Q. ordered ESPN instead. (Ironically, Poland was on ESPN. Apparently, Poland has a good shot at a pole-vaulting bronze in upcoming Friendship Games.)

Called Baker in Houston. He was as reluctant as the rest of us to ask anyone at State, but luckily he gets CNN. Solidarity will actually form govt., putting in their own P.M. Both Baker and Prez feared gloating would be counterproductive. So, after pillow fight with media in the Big Room, Prez gave this statement: "The United States congratulates Poland on its chance for a pole-vaulting bronze in the upcoming Friendship Games." Then challenged everyone to a rope climb and a game of night archery.

Mitchell called. Will be here end of month. Everyone worried about what he's got on Prez. Sunu so nervous, had to multiply some square roots to relax.

Aug. 21: Exhaust-Op going beautifully. Media has no idea what's going on, even though Prez played 18 holes of golf in 45 minutes. The toughest question at today's briefing was from Leslie Stahl, who kept dropping her mike because of tennis elbow. She asked, "Was the sky this blue last year?" Only person who seems to be holding her own with Prez is Helen Thomas. She's amazing. She water-skied this morning on one ski!

Aug. 25: Finally, important things settled on Drug Speech:

1. Pictures behind Prez. We're going with family pic-

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tures. Bennett wanted famous addicts: Belushi, Janis Joplin, Jimi Hendrix and Billie Holiday. Q. said he thought people would be confused and think that Prez was related to them. Atwa noticed that all these drug addicts were Democrats and suggested a ref. in speech. Finally opted for family pictures when Darman said we couldn't afford new pictures.

2. How Prez will open. Back and forth on this for weeks. Bennett wanted Prez, in a high, cracked voice, to say, "I am he as you are he as you are me and we are all together! See how they run like pigs from a gun—see how they fly! I'm crying! Sitting on a cornflake! Oh, Christ, help me, help me Jesus! There are spiders on my tongue!" Then, in normal voice, Prez would say, "That's how a drug addict would've begun this address to you tonight."

Sunu suggested he start with "Good evening." Prez refused. "Sunu-man, that's how Reagan began *his* speeches and heck, *I'm* the darn President now—*will* be the darn President for 3 more years. And so if I'm guilty of it, fine, put me down as guilty, but the position of *this* President—and when *you're* elected by the American people to be this President then fine, it's your ball to hit, and you should hit it, hit it with all your marvelous might, but what *I* want, what George Bush, right here, this guy, right here in front of you, this President, I, President George Bush wants is a Bush beginning. I will not start with 'Good evening.'"

Q. said, "How about 'Good night?'"

Prez suggested, "How about something like, 'I want to be the Reduction-and-Eventual-Elimination-of-Drug-Use-President'?" We decided to dispense with salutations altogether.

3. The Dramatic Gesture. Bennett wants Prez to hold up bag of crack that we "seized" in some respectable place to dramatize how serious problem is. Atwa suggested we help Helms out and arrange a bust at the Corcoran. Other places under consid.: the House cloakroom; the eternal flame at Arlington; in front of Fonzie's jacket at the Smithsonian.

Aug. 30: Mitchell arrived tonight. Met privately with Sunu. Said he now knows that Prez knew everything re: Iran-*contra*, was an active participant, came up with ideas, managed resupply—everything.

Then Prez came in. Shook M.'s hand, v. Mr. Smooth, as if he hadn't heard every word with me through the elk's head. Told M. he wanted to know everything he had to say but would M. mind sitting in on a drug strategy meeting first?

No one knew what Prez was up to.

M. joined meeting. Bennett reviewed highlights of drug plan. Concluded by asking for Prez's support for tough stance on casual drug use. "You bet, Willbo!" Prez said. Then Prez turned to Q. "Danny-boy, you'll have to take over for me if ever anything happens to me. What do you think?"

Q. said, "Well, ummm, wow!" After 9 months, Prez had finally called on him. "Well, I'm just trying to look at all sides of the issue, but I think when the American Constitution is involved—and it is one of the great 'documents' of this century—we have to be careful. And I think everyone who knows me knows Dan Quayle is a careful man, approved of, may I remind everyone here who thinks I'm so funny, by 52% of the American people. So, Mr. President, what concerns me in, if I may use your name for him, Billbo's program is: How will this tough new drug bill affect drugstore owners?"

When everyone turned away before laughing out loud (Prez had to pull a pillow over his head), Q. whined, "Come on! That was good! That was mature!"

Washington

Sept. 6: Vacation a complete success. Mitchell left right after the meeting, telling Sunu, "It never occurred to me how painful a process impeachment might be for the nation."

Furthermore, Exhaust-Op our most successful Prez Security Measure ever. Thanks to this: Drug Speech a big hit. Press so beat by trip no one has a clue that we actually set up Lafayette Park's first crack deal.

Some probs. remain w/Prez's delivery. He is always on verge of tears whenever required to say anything dramatic. He compensates by smiling. This meant Prez grinned all through story about baby addicted to crack. In rehearsal he became so emotional about an addict who robbed an old lady of her purse, wedding ring, coat, shoes and crutches to buy drugs that he was laughing. Had to scrap. Must work on this. . . .

Sept. 22: Big trouble. *Post* found out we lured dealer to Lafayette Park and bought the crack. Prez went ballistic. "How could this happen?" Prez asked Sunu. Sunu said, "We wanted to get the crack close enough to the White House to shock people, so—" Prez cut in: "Not that. How could someone report it—after Exhaust-Op?"

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Phone ringing nonstop. D. Rather called 6 times. Wants to interview Prez. Says it will not just be about the crack, but about his whole career. Sunu said no.

Big meeting after. We decided to call what's-his-name, the guy Atwa told us to blame Foley memo on, to see if he'll take the fall.

Sept. 27: Big news. *NYPost* revealed on front page that Rather used fake Afghan battle footage in award-winning series. Scenes were staged. Pakistani planes substituted for Russian, etc.

Sunu called Rather back to say Prez would accept interview now but only if live. Rather said he couldn't hear Sunu v. clearly, something "wrong with the frequency." Said he'd call right back. No word from Rather since. □

Vacuum

(*Continued From Front Cover*)

which promises to prove no less permissive toward white-collar fraud, state A.G.s will be as important as ever. Indeed, in their attempt to enforce state laws, these officials have not shied away from suing the Federal regulatory agencies themselves. Here are some representative accomplishments of the new breed of progressive prosecutors:

Environment: The indifference or malfeasance of the Reagan-Bush Environmental Protection Agency is well chronicled—and is not merely a chapter in the history books. Last November, for example, nine states sued the E.P.A. to force action on acid rain.

Despite George Bush's campaign attacks about the Boston Harbor, Massachusetts has been a pioneer in the area of criminal prosecution against polluters. Last year, Massachusetts Attorney General James Shannon filed the nation's first state lawsuit to stop a chemical company from emitting chlorofluorocarbons (CFCs), which have been shown to deplete the earth's ozone layer. The company—Packaging Industries, a foam manufacturer—was emitting an estimated 1,300 tons of CFCs a year, equivalent to 7.8 million aerosol cans.

Shannon's office charged the company, in a civil complaint, with violating the Massachusetts Clean Air Act. "After eight years of the Reagan Administration," says Shannon, "if we don't do it, nobody will." In a settlement, the state won $700,000 in penalties, and the company was forced to stop emitting CFCs by the end of the year.

State attorneys general have also taken the lead in the well-known case of Alar, a ripener used on apples that is carcinogenic. Despite its own studies showing that a breakdown product of Alar can cause cancer, the Environmental Protection Agency not only wouldn't ban this hazardous substance but also spent years opposing a lawsuit by New York Attorney General Robert Abrams, the public interest advocacy group Public Citizen, and the Natural Resources Defense Council. Only after *60 Minutes* ran a devastating segment did the E.P.A. announce that it would *eventually* take this dangerous chemical off the market.

"We should not have to wait for the E.P.A. to decide the outcome of endless debates seeking absolute scientific certainty about the health effects of each substance," says Abrams, former president of NAAG and probably the most energetic attorney general on environmental, antitrust and consumer issues neglected by Washington. His office formed a pesticide initiative—a team of lawyers, scientists and investigators working on lawsuits, legislation and public education. Since there's no Federal law requiring advance notice of pesticide use, Abrams got New York to join fourteen other states in requiring all certified pesticide applicators to alert people near an area about to be sprayed. And in the past eighteen months he's filed eight criminal and civil pesticide lawsuits.

Safety and Health: The Occupational Safety and Health Administration is one of deregulation's most prominent casualties. As enforcement staff was cut, manufacturing inspections reduced and regional offices closed, the number of workplace-related injuries, illnesses and deaths steadily rose. In addition, the Reagan Administration promulgated safety standards usually only at the point of a court order.

Despite this development, or perhaps because of it, state prosecutors began to focus on the unsafe workplace. The first such local case since the early 1900s was filed in Chicago in 1985, and since that time more than 200 cases have been filed. By contrast the Federal government has brought only forty-four cases since 1970, and only three since 1981. In October 1986, Robert Abrams joined Brooklyn District Attorney Elizabeth Holtzman in a criminal suit against the Pymm Thermometer factory in Brooklyn, which for years had subjected its employees to dangerous levels of mercury. Although OSHA had been long aware of the hazards at this plant, the agency assessed only piddling fines and allowed numerous extensions for compliance, during which one worker developed irreversible brain damage. The suit charged three company executives with assault with a deadly weapon—mercury—and a jury found them guilty. Earlier workplace safety cases punished employers whose workers died, but this was the first case in New York concerning a nonfatal injury, and the first criminal action suit filed by a state attorney general.

Criminal prosecution means that employers who knowingly expose their workers to dangerous conditions will pay a much higher price than OSHA could ever extract. In Chicago, for example, a worker at Film Recovery Systems was killed when exposed to cyanide gas. OSHA issued a "serious citation" and imposed a $4,855 fine, which was later reduced by half—and never paid. A local district attorney took action, and in 1985 the company was fined $24,000 and two corporate officers were convicted of homicide, with penalties of twenty-five years in prison.

Antitrust: State antitrust enforcement has come full circle in the past century. Prior to enactment of the 1890 Sherman

Mark Green is a public interest lawyer, president of the Democracy Project and editor of America's Transition: Blueprints for the 1990s.

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Act, state attorneys general brought actions against price fixing and monopoly power based on common law principles. With the passage of the 1890 act and the 1914 Clayton Act (and 1950 amendments), law enforcement and judicial interpretation shifted to the Federal government. By mid-century, Federal antitrust enforcement had bipartisan support, with Democratic administrations (Thurmond Arnold under Franklin Roosevelt) and Republican administrations (Robert Bicks under Dwight Eisenhower) being equally vigorous. When I researched and wrote *The Closed Enterprise System* in 1970 for Ralph Nader's antitrust project, state antitrust enforcement was worth only a short footnote.

Under the Reagan Administration antitrust staffs at the Justice Department and Federal Trade Commission were cut by nearly half just as the takeover movement gathered steam. Cases against anticompetitive mergers and monopolies evaporated. In 1979, 868 proposed mergers were reported to the F.T.C. and the antitrust division of the Justice Department and twenty were challenged; in 1987, 2,254 mergers were reported and fourteen were challenged.

Reagan's antitrust chief, William Baxter, predicted that by 1996 most antitrust enforcement would be at the state level, a prophecy he has helped fulfill. Now corporations must keep in mind three official bodies as they make their market plans: the Justice Department, the F.T.C. and state attorneys general, whose approach to antitrust law reflects the values of Messrs. Sherman and Clayton far more than those of the "anything goes" Federal prosecutors.

For example, forty-five state attorneys general have agreed to guidelines involving "horizontal" mergers (mergers between competitors). Armed with these guidelines and their jurisdiction over market conduct within their states or regions, New York and Maryland sued Minolta for conspiring to fix the prices of two camera models. In a settlement that thirty-seven states joined, Minolta set up a $4 million rebate fund for thousands of its defrauded customers. When Texas Air moved to buy Eastern Airlines in 1986, which would have enabled it to control all shuttle service between New York and Washington, Abrams opposed the merger until an alternative shuttle was created. His pressure helped Pan Am start its own shuttle service. And just this year New York and Maryland again worked together to force Panasonic to provide some $16 million in refunds to 665,000 consumers nationwide for overcharges due to a resale price maintenance scheme. All forty-nine eligible states joined in the settlement.

When insurance companies began canceling or making prohibitively expensive liability coverage for cities and towns, the states intervened. The city of Lafayette, California, was perplexed when it tried to obtain liability insurance from eighty companies and was turned down by all of them. Hartford Insurance canceled the $32,000-a-year policy of Milford, Massachusetts. The town could obtain only a much more restrictive policy, for $122,000, from a company called Nutmeg, a wholly owned subsidiary of Hartford. The Justice Department was asked to investigate the liability crisis in 1986 but declined. In March 1988, after two years of investigating, nineteen attorneys general charged thirty-one insurance companies with conspiring to use "boycotts, threats, intimidation and other coercive conduct" to restrict the availability of liability insurance to businesses and municipalities.

The companies being sued include giants in the business world, such as Aetna (total 1988 assets: $84 billion), Allstate ($29.7 billion) and Cigna ($55.8 billion). Although the insurance companies won a round when a Federal district court judge dismissed the suit on procedural grounds (the states have appealed), they face a new foe. The A.G.s are among the strongest advocates of tighter regulation, notably for elimination of the antitrust exemption for insurance agencies under the 1945 McCarran-Ferguson Act.

Consumer Protection: Consumer fraud has been a forgotten area of the law under Reagan and now Bush, but the A.G.s have picked up some of the slack. After forty-one state prosecutors banded together to charge Chrysler Corporation dealers with falsifying the mileage on odometers, consumers received $16.4 million in rebates, a victory worthy of the best consumer activists.

Unsafe products have also come under the scrutiny of attorneys general. While the Consumer Product Safety Commission dragged its feet on regulating all-terrain vehicles, some 900 consumers died and more than 300,000 were injured in accidents. In October 1987, thirty-two states warned Honda, Yamaha, Kawasaki, Suzuki and Polaris that action would be taken unless the companies rectified safety problems. Rebuffed, the A.G.s lobbied the Justice Department to recall and ban the vehicles. Massachusetts Attorney General Shannon, sounding very much like a Nader's Raider, decried Honda for placing "corporate profits over human lives." Quickly, the Justice Department fell into line.

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When the long-gestating F.T.C. Used Car Rule was finally issued in 1985, the provision requiring dealers to disclose known defects had been eliminated. Since used-car dealers have a bit of an image problem when it comes to candor, several state attorneys general responded by helping enact used-car lemon laws. New York's version mandates a thirty- to sixty-day written warranty on all used cars sold by dealers for more than $1,500.

At times state action can prompt Federal action. Consider smokeless tobacco (snuff), the use of which has been growing, particularly among teenagers. In the early 1980s, Massachusetts issued regulations that required warning labels on smokeless tobacco. The New York Attorney General reached an accord with the United States Tobacco Company that forced it to stop implying that the product was less dangerous than cigarettes. Public Citizen petitioned the F.T.C. to require label warnings, but the agency still refused to act. In 1986 Congress finally ordered the F.T.C. to stop acting as if its initials stood for Forget the Consumer and to issue regulations mandating health warnings.

As industry is discovering to its regret, when regulation gets turned over to the states, consumer, public interest, and environmental groups can exert more pressure. Lawrence Graham, vice president of the National Food Processors Association, is a staunch opponent of Proposition 65, California's tough new consumer product warning law. He said, "We've tried to point out what Proposition 65 means: 'Do you realize this was pushed by Tom Hayden and the Natural Resources Defense Council?'"

Having encountered the threat of criminal penalties and aggressive state laws, many in industry now want a return to Federal regulation. "You're going to have fifty F.D.A.s out there rather than one F.D.A.," Graham complained to the *National Journal*. As President Reagan showed with his executive order placing Federal authority above state emergency plans at nuclear plants, apparently antigovernment conservatives are for states' rights only so long as states stay asleep on the regulatory beat.

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Attorneys general and activists now seek each other out for lawsuits in which they have a mutual interest. Several environmental groups joined the Northeastern A.G.s who sued the E.P.A. for neglecting the problem of acid rain. However, there are pitfalls in turning regulatory responsibilities over to state attorneys general. First, there is the desirability of a national standard, which was the impetus behind much Federal regulation in the first place. It's true that when a state such as California passes a product warning law it can have a national impact, inducing manufacturers to bring their brands into compliance. Nevertheless, even if California has an aggressive attorney general enforcing workplace safety laws, that doesn't help, say, oil workers in Louisiana. Should a worker's health depend on his or her zip code?

Second, there are often legal hurdles to state and local prosecution. In the Pymm Thermometer case, the Brooklyn jury found the defendants guilty of assault, but the judge immediately threw out the verdict, arguing that OSHA's jurisdiction pre-empted local officials from taking action. This was also the view of OSHA, which argued, in essence, "Even though we won't protect the workers, you can't." The pre-emption issue will remain a hurdle for activist attorneys general until the Supreme Court decides what their role should be, probably on a statute-by-statute analysis (for example, the interstate commerce clause allows but doesn't require Federal pre-emption), or until Congress more clearly states that Federal jurisdiction does not preclude local action. Also, it is crucial that states be allowed to set only those standards that are equal to or tougher than existing Federal standards.

Finally, although prosecution can be more effective in particular cases, it is not a substitute for effective regulation. With their full agendas of criminal justice and other state issues, as well as their limited budgets, A.G.s at best can reach only a fraction of the cases in regulatory areas.

The solution? Attorneys general and criminal prosecution can make an excellent second line of defense against corporate abuse. For while white-collar offenders can generally work the Federal government's inconsequential fines into their basic operating costs, they are frightened by the threat of jail, or the kind of negative publicity that arises from a case such as the Chrysler odometer fraud.

Ideally, A.G.s—68 percent of them Democrats—might start to pressure the Administration into greater regulatory activity. The Reagan-Bush Administrations are on the wrong side of popular opinion when it comes to health and safety regulations. Polls show overwhelming support for stronger antipollution and pro-consumer efforts by the E.P.A., F.D.A. and OSHA. While Republican presidential candidates have often prevailed by running in effect against reds and blacks, Democrats have snared the bulk of Congressional and local offices by running as deliverers of services, from Social Security to environmental cleanup. If Bush continues his laissez-faire line and cedes to state prosecutors the responsibility for improving the health and safety of Americans, look to aggressive A.G.s to continue to fill the regulatory void. □

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BOOKS & THE ARTS.

Fighting the Bad Fight

FREDRIC PAUL SMOLER

WARTIME: Understanding and Behavior in the Second World War. *By Paul Fussell. Oxford University Press. 330 pp. $19.95.*

Paul Fussell dedicated *The Great War and Modern Memory*, one of the finest pieces of cultural history and literary criticism written in the 1970s,

> To the memory of
> Technical Sergeant Edward Keith
> Hudson, ASN 36548772
> Co. F, 410th Infantry
> Killed beside me in France
> March 15, 1945

With this exception, Fussell's own military service did not seem to greatly inflect his book. *Wartime: Understanding and Behavior in the Second World War*, is very explicitly Fussell's book about his own war, one in which he was severely wounded. Wounds are indeed the subject of some of the most remarkable writing in this remarkable book.

Fussell quotes Neil McCallum and his friend "S." on the morning after an artillery barrage in North Africa, upon encountering the body of a man who had been lying on his back when a shell, landing at his feet, eviscerated him:

> "Good God," said S., shocked, "here's one of his fingers." S. stubbed with his toe on the ground some feet from the corpse. There is more horror in a severed digit than in a man dying: it savors of mutilation. "Christ," went on S. in a very low voice, "look, it's not his finger."

This passage does a lot of the work Fussell wants to accomplish in *Wartime*: It asserts as typical an absolutely unheroic combat death (the man is killed while sleeping) and it annihilates any lingering trace of euphemizing imagination that may have survived Fussell's previous efforts at describing the effects of a high-explosive shell on the human frame. If anyone persists in a vision of war as a realm of masculine grace and potency, that severed penis, quite small enough to be mistaken for a finger, ought to do the trick. He quotes with extraordinary economy a German soldier observing the beach at Dieppe after the shattered Canadian raid: "There were even shoes, 'with feet in them.'" With equal economy he quotes a wounded British prisoner noticing a German corpse by the road at Arnheim: "Half a body, just naked buttocks and the legs joined on and no more of it than that."

The naked buttocks, the prop in a dirty joke, function as an almost psychotic pun: A battlefield is *anus mundi*, and the part of us engaged there is excremental, utterly without dignity, a startling literalization of poor bare forked unaccommodated man, bereft of any human faculty. The shoes "with feet in them" echo the punning revelation—war is infinitely base, the place where we show what we are at bottom, and only that: feet and bare buttocks. When the witch is completely destroyed only her slippers are left, but when we destroy ourselves the joke is both more grisly and more pathetic: Our shoes still have feet in them.

Fussell's concluding chapter is titled with a Whitman quote: "The Real War Will Never Get in the Books," wherein his evidence of the Real War yields sixty-five footnotes, only four of them to manuscript sources. The quotations from published sources are almost always brilliantly apposite, which suggests that the title of the chapter, and the thesis of the book, are perfect nonsense. The literature on the horrors of World War II is not obscure. It is in fact sufficiently voluminous that Fussell can make a book of his own almost entirely out of published sources, few of them unfamiliar to anyone with a passing interest in the subject. One can see many of these books on the shelves of friends and acquaintances. Almost any used-book store, in this country or in Britain, includes a section on World War II, and there I have seen and purchased many of the books Fussell cites as authorities for the war he contends would never get in the books. In both countries radically unromantic new writing—scholarly, literary and flat-out popular—is the order of the day.

It's not just that *Wartime* has been written before, and rather better; it is that Fussell himself has written it. It was Fussell's great theme in *The Great War and Modern Memory* that the first war so persistently frames our experience of modernity that we are incapable of perceiving our historical situation, even our own biographical experience, except through its prism. He argued from the examples of Pynchon, Mailer and Waugh, among many others, that we continue to construct our own experience in the shadow of the literary forms that emerged from the Great War. When he tries to make a history of his own war Fussell seems to recapitulate, helplessly, many of the kinds of imagination he so successfully chronicled in 1975. Irony, perhaps overgenerously conceived, is the omnipresent feature of both of Fussell's World Wars, closely followed by blunder. This book is the simulacrum of revelation; it is intriguing that Fussell expects us to find revelatory a debunking that is, in this particular form, some seventy years old.

Still, in an age when Ronald Reagan, not content with pretending to have served overseas, felt free to imply (falsely) that he had been one of the first infantrymen to walk around liberated Buchenwald, and to dub the occupation of Grenada "our finest hour," there are things one cannot say too frequently. Fussell's adjective "Disneyfied" concentrates his disgust and contempt for some of the uses to which the memory of World War II has been put over the years. If his sense of who, precisely, has so abused our history, and to what ends, is imprecise and excessively self-delighted, biographical details tempt one to go softly. If World War II is conceded as the exclusive political property of Mr. Reagan and Mrs. Thatcher, as all too many people on the left seem prepared to do, I suppose seeing it demythologized is satisfying.

Fussell possesses, and exults in, the one kind of authority we continue to respect, at least as long as its bearer delivers the testimony we have come to expect. He has the romantic distinction of having been there and the good taste to have experienced it as a compound of black comedy and horror, not too much alloyed with trace elements of generosity, ingenuity, fortitude, dignity or courage, and least of all with any moral purpose. Our appetite for military anti-romance must be near insatiable, or so commercial calculation suggests: This is intended to be a Big Book, with long

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prepublication excerpts in *The Atlantic*, half the front page of *The New York Times Book Review* and a place on the cover of *The New York Review of Books*. This kind of attention is generally a sign of the splash the publishing community expects a book to make, and no one seems too irritated at the cloning of the earlier effort. The first reviews praised the novelty of the testimony while registering political objections to his insufficient piety about World War II. But readers may find Fussell less engaging than his publishers imagine.

They may find baffling his conviction that they cannot realistically imagine people wounded. Fussell is fond of juxtaposing the graceless actualities of death on a modern battlefield with what he chooses to call "the popular and genteel iconography of war during the bourgeois age," by which he means not only the conventions of eighteenth- and nineteenth-century historical paintings but also twentieth-century photography. His rhetorical strategy is to distress the reader with a graphic description—usually of traumatic amputation—and then assert that the reader's distress is the result of callowness, ignorance and immersion in a culture that habitually resorts to evasive euphemism.

Realistic descriptions of wounds are far more familiar to modern readers than Fussell lets on, and remain shocking less because American civilians sentimentalize war than because most people dislike thinking about severed penises and detached shoes with feet in them. His bizarre assumption that the use of euphemism is synonymous with innocence reminded me of my father's most haunting war story: One of the few unmutilated survivors of a tree-burst barrage in the Ardennes, he remembers his friends kneeling as if saying their prayers before bedtime and then going peacefully to sleep in the snow. This screen memory dwarfs in its falsity and euphemism the "evasions" of Fussell's "laity," and it suggests that people have recourse to euphemism for reasons other than ignorance and malice; in some cases, euphemizers may themselves know a little bit about Fussell's war.

Fussell's World War II is unremittingly vile. The civilians, uniformed noncombatants and their posterity, particularly Americans, are presumed to be absolutely ignorant of the real war, duped by the systematic deceits of Hollywood, Madison Avenue and contemporary government publications. One of Fussell's

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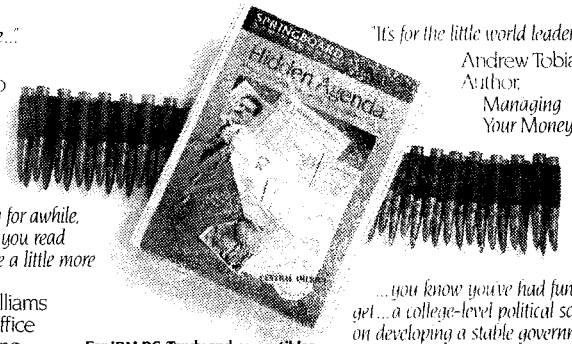

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less attractive assumptions is that ordinary people are an awful lot more credulous than he is; he reeks of contempt for such innocents, and asserts that all combat veterans share this feeling.

A studious indifference to what actually happened accompanies the contempt for ordinary people's capacities that runs through the text, and allows Fussell to misread his own evidence. British civilians lucky enough to have been bombed are generally spared his scorn, although they are presumed to have subsequently become insane; he quotes Frances Faviell on "The Wednesday," the worst bombardment of the Blitz:

> With great difficulty I raised my head and shook it free of heavy, choking, dusty stuff. An arm had fallen round my neck—a warm, living arm, and for one moment I thought that Richard had entered in the darkness and was holding me, but when very, very cautiously I raised my hand to it, I found that it was a woman's bare arm with two rings on the third finger and it stopped short in a sticky mess

and immediately comments, "You can't take much of that sort of thing without going mad." The plain fact is that you can. The incident of the severed arm mistaken for a comforting embrace is the stuff of graphic melodrama, indeed of slasher films, but the phrase "sticky mess" is a classic understatement of the kind generally associated with Londoners during the Blitz. An immensely important fact about the bombardment of civilians in World War II is that, contrary to all predictions, they endured it with astonishing stoicism. Fussell is very insistent about the perfect insanity of war and of those who have seen war, along with the absolute evil of war and those who have made war; on an interview on National Public Radio he asserted that anyone who had fought in the war should be ashamed. Oddly enough, most of the Allied participants have been cagey about their lunacy, and almost all of them have kept mum about their shame. Many of the people who stopped the Nazis from conquering the world remain perversely convinced that they did something significant. □

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'Begin to Teach'

MARILYN HACKER

TIME'S POWER. *By Adrienne Rich. W. W. Norton. 58 pp. Paper $15.95.*

Adrienne Rich's new book, *Time's Power*, is a statement and a stock-taking. It should be superfluous to say of Rich's work that this is a book of interest to many thoughtful and concerned readers, not just to poets and would-be poets (the dismissive truism current about poetry); not just to feminist activists (the dismissive truism current about Adrienne Rich).

Rich is that American anomaly, a popular poet. This is true in spite of her being, frequently, a difficult poet, an intellectual and intellectually challenging poet, a poet who, whatever readers expect of her, has heroically resisted becoming anything like "the beasts that repeat themselves" (Auden's eloquent fear). Her work has, for twenty-five years, always had in it something unpredictable. Yet 300 mostly young women recently stood outside a bookshop that could hold only seventy-five in the hope of hearing Rich read from her work, and broke spontaneously into "Happy Birthday" when she arrived, because they knew it was the date. And close to 1,000 people of all ages and genders will pack the auditorium of New York's 92nd Street Y.M./Y.W.H.A., or any other place major public readings are held, to hear her as well. Neither group goes certain they'll like, or even totally comprehend, what they hear that is new; but almost every member of either kind of audience will carry, in memory, at least one poem of Rich's that resonated, that made a difference in her or his life. (The first two I'd list would be "The Demon Love," from *Leaflets*, and "From an Old House in America," from *Poems Selected and New*.)

None of this would be surprising in Dublin, in Managua, in Budapest. But in the United States, where the publishing house and book-review editors' gospel is that "poetry doesn't sell" and that poets are merely cogs in the self-perpetuating creative-writing-degree machine, it is surprising. (Not that Rich hasn't her detractors, as stubborn as her public: critics who will read anything she writes as feminist polemic, however measured and inclusive the actual text may be.)

Rich is a prolific poet, and fortunate in her editor and publisher. Thirteen volumes over thirty-five years' time have given readers the news of her concerns, the focuses of her fierce attention. *Time's Power* shows that attention enlarged and deepened, ranging backward through personal and international history, geographically from southern California to Vermont to the Golan Peninsula. The texts present a variety of dramatis personae, and do not flinch at the knottiest moral conundrums. What does it mean to be an American Jew in the time of the Palestinian-Israeli conflict; what can a white woman learn from, and give back to, the liberation struggles of people of color; how does love change in the face of pain, of historical exigency, of death, and how does it change them? These are some of her questions, not facile or easily apprehended ones, and Rich is not given to easy answers.

Just as Adrienne Rich has, over the years, gathered a uniquely heterogeneous public for her work, so does her work draw its greatest force from synthesis. She does not try to create a "universal" to contain and explain all her specifics; she juxtaposes those specifics and, at her strongest, leaves conclusion, closure, to the reader. Her synthesis is often achieved through a cinematic or collagist technique: Narrative threads, dialogue and quotations are intercut within the central interior monologue of a speaker, sometimes identified with the writer, at a crossroad in her personal history or taking stock of the import of past events. Thus, the long poem "Living Memory," pivotal to this new book (and providing its title) returns to the Vermont landscape that has informed much of Rich's work, and uses it as a background that interacts with a life

Marilyn Hacker's most recent book is Love, Death and the Changing of the Seasons *(Arbor House). Her* Going Back to the River *will be published by Random House early in 1990.*

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being lived within a larger history.

The poem opens on a long shot of the landscape, zooms in on a car being driven at night back to "the old roads," "the old sentences":

> A full moon on the first of May
> drags silver film on the Winooski
> River.
> The villages are shut
> for the night, the woods are open
> and soon you arrive at a crossroads
> where late, late in time you recognize
> part of yourself is buried. Call it Dan-
> ville
> village of water-witches.

Rich then introduces a fugal thread of Vermont narratives, stories of women who lived at physical, intellectual, emotional extremity, and of

> a man they said fought death
> to keep fire for his wife for one more
> winter, leave
> a woodpile to outlast him.

Then, in a swift, daring turn, Rich shifts the poem's focus by identifying the speaker herself as the woodcutter's widow:

> I was left the legacy of a pile of
> stovewood
> split by a man in the mute chains of
> rage.
> The land he loved as landscape
> could not unchain him.

"To work and suffer is to be at home," Rich wrote in an early poem, and at the same time that she chronicles the failure of a landscape to save, she details the suffering and work that have made her—an outsider—one who is at home in this New Englandscape. But as soon as the connection has been made, she moves away from it, to take an overview of this place seen on a split screen with other places, other rituals, which becomes a reflection on the power of memory, of mental connection. The other connection, between figure and landscape, is elusive, undependable, effaceable, especially for a Jew: The speaker is a Jew, and so was the man who cut wood:

> But you will end somewhere else, a sift
> of ashes
> awkwardly flung by hands you have
> held and loved
> or, nothing so individual, bones
> reduced
> with, among, other bones, anonymous
> or wherever the Jewish dead
> have to be sought in the wild grass
> overwhelming
> the cracked stones.

American poetry is a poetry of specificities: a fact whose importance a reader quickly recognizes from outside, comparing it with the poetry of France, for example, where there are a variety of lives, backgrounds, geographies, a variety of regional and popular vocabularies, a variety of issues that merit and provoke discussion and commitment, but where the poet, when she or he sits down to write, consciously attempts to clothe these specificities in universals, in metaphor, in symbol. As a reader, I love that American specificity (at least, until it jumps the barrier into polemic), and Adrienne Rich's work is intensely specific in at least two areas. The first is that of her own life's particularities, which have bred her art and her politics: woman, lesbian, Jew, mother, dissident American who is nonetheless aware how quintessentially American all her selves, and her dissidence, are. The second, the back- and foreground for all those personae, is geography, the evocation of place as essential to a story or an epiphany. Rich, in her early maturity, was one of the finest poets of the city, of a Manhattan in the complexity of its decline. In the same period, she counterpointed Manhattan with a Vermont that was backdrop for *agon* and confrontation, then was revised, assumed, rejected, accepted on its own terms.

In life, and in her art, Rich left Manhattan. New landscapes appeared or imposed themselves: western Massachusetts, the Southwest, the Maryland of a re-examined childhood, southern California. These landscapes evoke, for the poet, different facets of the imaginative persona, different cultures, different commitments. Perhaps it is inevitable that, for an American Jew, the American desert should rouse echoes of the Middle Eastern desert, and the moral/emotional terrain (the years in the desert) where we, as Jews, now find ourselves. In the poem "Turning," Rich opens with that identity; her "foot drags in the foothills of two lands," the droughtlands of the Southwest and the West Bank: "bloodred granite, sandstone steeped in blood."

She moves from the minute conscious self, limping, dwarfed by the high passes, to the stance of a prophet speaking in parables:

> In a time of broken hands
> in a broken-promised land
> something happens to the right hand
>
> Remembering a city, it forgets
> flexion, gestures that danced like
> flames

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the lifeline buried in the fist
forgets the pedlar's trinket, fine to finger and lay forth,
the scalpel's path, the tracing of the pulse
the sprinkle of salt and rip of chicken feathers. . . .

What happens, indeed, when the right hand forgets its cunning and becomes a club smashing Palestinian hands:

what does the left hand make of their old collaboration?
Pick up the book, the pinch of salt, the matzoh crumb,
hand, and begin to teach.

What the left hand (and the left itself) can or will teach, Rich does not claim to tell her readers; she only indicates the way to pay attention, the sum of small acts and gestures. When the poem refocuses on an individual narrator, she is listening to a Palestinian woman at a public meeting while watching the face of her own partner across the room, with whom the subject under discussion has been more of a source of change and growth through dissent than one of easy accord. In the poem's last movement, which also ends the book, the poet/speaker is prophet in the desert again, questioning nothing less than a Prime Mover. Rich's description of this force, and her tone and stance as questioner, are those of a Jewish metaphysical writer:

Unnameable by choice.
So why am I out here, trying
to read your name in the illegible air?
—vowel washed from a stone,
solitude of no absence,
forbidden face-to-face. . . .

Although Rich has depended upon and used her own life and its situations as sources for her poetry, and enlarged from there so that many of her texts are object lessons in how the personal is political, she has also made frequent and powerful use of the narrative poem, the dramatic monologue, the epistolary poem "by" an imagined letter-writer. The dramatic monologue has been important in her work since early Frost-influenced narratives like "The Perennial Answer" (from *The Diamond Cutters*). In some of her narratives, Rich re-created historical speakers, such as Paula Becker-Modersohn and Elvira Shatayev; more frequently in recent work, she invents characters and situations in the margins of historical events. Some of Rich's strongest narratives have been those in which she engages herself—that is, the persona of the writer—with the situation of her story or in dialogue with the protagonist: a kind of Socratic (or postmodern) tale-telling that questions the assumptions of the text, its reader, its writer, as the narration progresses. She did this masterfully in "Education of a Novelist" (from *The Fact of a Doorframe*), her "interrogation" of Ellen Glasgow, and in "Frame," a filmic replay of the savaging of a black woman student by white police (from *A Wild Patience Has Taken Me This Far*). This is the technique she employs in "Harpers Ferry," one of the important poems in *Time's Power*. It is a recounting of events leading up to the insurrection of 1859 from the point of view of a poor white girl runaway, who ends up, or begins, on the porch of John Brown's rented farmhouse, with a slashed leg and open eyes and ears.

Rich opens the poem with a question, frames the entire first stanza with questions:

. . . But where do I get this, how
do I know how the light quails from the trembling
waters, autumn goes to ash from ridge to ridge
how behind the gunmetal pines the guns
are piled, the sun drops, and the watchfires burn?

She is not taking the definitive stance of the novelist; she is reminding herself and her readers that the landscape, her knowledge of it, and the figures in it, are somewhere between fictive and received. She uses a long irregular line in this poem, often of fourteen to sixteen syllables, bridged by complex, incantatory sentences, unlike the short or virtually blank-verse lines of other poems in this book. It is a Whitmanian line, as the setting of the poem might also suggest Whitman. It is also a line that recalls Muriel Rukeyser, Rich's precursor in many of her concerns, methods of connection and breadth.

The runaway white girl is an observer rather than an actor. The narrative takes her as far as the eve of the raid. The poet does not invent the role she will play, if she will be allowed to join Brown's black and white guerrillas, if she will be killed, if she will survive and lead a life Rich only hints at imagining. But the core of the poem is not really the girl's individual story, it is the story of the awakening of conscience to the situation of others, and how that awakening leads the individual (here, the runaway girl) to envision new possibilities for herself. The child saw slaves escaping; she understood why they would, and should; she realized she, too, could leave:

. . . you whose child's
eye followed each face wondering
not how could they leave but when:
you knew they would leave
and so could you but not with them,
you were not their child, they had their own children
you could leave the house where you were daughter, sister, prey
picked open and left to silence, you could leave alone

Her own flight leads her, almost accidentally, to join the struggle to arm the slaves, to empower those who had indirectly empowered her. The fictional runaway does, in fact, the opposite of what Rich accused her historical persona, Ellen Glasgow, of doing (in "Education of a Novelist"): Glasgow's imaginative powers flourished under the tutelage of a black woman, whom she promised she would teach to read but never did.

The narrative structure (and the dramatic monologue in "One Life," the epistolary poem in "Letters in the Family") helps Rich avoid what is elsewhere sometimes a weakness in this collection: an overreliance on metaphor. The runaway at Harpers Ferry also began, in the writer's mind, as a metaphor, and the device of questioning the text within the text reminds the reader of that; but the power and the habit of fiction also make of the runaway an autonomous entity: Even reminded that she is an invention, the reader wonders what will happen to her and imagines a continuation of her story—whereas the disembodied right and left hands in "Turning" cannot become anything but a figure of speech, even if a fiercely apt one.

In another long poem, "Sleepwalking Next to Death," Rich opens with and elaborates on a metaphor quoted from a Dutch poet whose work she translated years ago: "Sleep horns of a snail," meaning here: "Protruding, retracting/What we choose to know/or not know." Rich's poem is about committed activist friends/lovers struggling to retain their differences and yet recognize each other within themselves. But she almost sabotages it with the "snail" metaphor:

This snail could have been eaten
This snail could have been crushed
This snail could have dreamed it was a painter or a poet
This snail could have driven fast at night
putting up graffiti with a spray-gun

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There's nothing right or inevitable about snails here; they are only not "cute," as foxes or monkeys would be, because they are so incongruous. (And maybe there should be a moratorium on the use of the words "poet," "poem" and "poetry" in poems.) "Sleepwalking" doesn't really start until Rich leaves snails and unparticularized poets and writes about specific people, examines the difficult impasses in an unpatterned relationship while employing a concrete setting (the U.S.-Mexican border in California). The border may be a metaphor too; likewise the different forms of transcontinental transportation—buses, trains, airplanes—but those also read as actual and necessary elements in a story, facts of these characters' lives.

I promise I won't fall asleep when the
lights go down
I will not be lulled
Promise you won't jump the train
vanish into the bus depot at three a.m.
that you won't defect
that we'll travel
like two snails
our four horns erect

I wish those snails weren't there again at the end! What does traveling like snails mean, exactly, besides doing it slowly? They're not known for their cunning, pack loyalty or pair-bonding. Are these erect horns (emphasized by the rhyme) deliberately sexual? I suspect we're supposed to learn something from the snail metaphors and similes, but I confess I didn't.

I once heard a confident Ph.D. candidate respond to a questioner that Rich was "clearly" in the Whitman-William Carlos Williams tradition rather than that of Emerson, Lowell (not Amy, and probably not Robert) and Frost. Putting aside, if it is possible, the equally moot questions of evaluating literary legitimacy through comparisons with white patriarchs, and Ph.D. theses on living writers, I didn't agree with her answer. Rich is a transcendentalist to the core. Her *paysages* are all *moralisés*, from her earliest poems, like "The Tourist and the Town" (from *The Diamond Cutters*), to "Living Memory" and "Turning." Her "things" are almost always the products of her ideas, rather than vice versa. And the echo of the mnemonically compelling iambic pentameter, hard to avoid in complete English sentences, is never really absent from her work. This puts that work within, and in relation to or dialogue with, a whole body of narrative and didactic poems in English written in that meter. These are some of the opening lines of poems in *Time's Power*:

Your windfall at fifteen your
Steinway grand
("Solfeggietto")

Someday if someday comes we will
agree
("Negotiations")

Absence is homesick. Absence wants a
home.
("A Story")

Three dozen squares of light-inflicted
glass
("The Slides")

Open the book of tales you knew by
heart
("Living Memory")

I wonder, then, why Rich had to badmouth a tradition that helped to form her art, and mar the wise and lyrical "Love Poem" with three bad lines: "and so to write for you/a pretty sonnet/ would be untrue." Why not a beautiful sonnet, or an ugly, thorny, passionate one? Apparently, Rich's beloved is possessed of qualities unequaled by and totally unlike those of Jacqueline Pascal, Bryher, Simone Weil, the Luddites, the Africans of the Middle Passage and God, to name a few subjects of contemporary sonnets. What has the sonnet done to Rich, that she must slight it in passing? What she has done to *it* is to have written "Twenty-one Love Poems," a cycle that, although in free form, has the heft and feel of a sonnet sequence. I don't think it could have been written by a poet without Rich's earlier expertise in fixed forms. And it is one of her major, and most popular, works.

This is a lot of ammunition for three forgettable lines. But Rich is an influential poet as well as a popular one. And next year some college junior, some fourth-grade teacher, some bookstore clerk is going to decide that sonnets are "pretty" and "untrue" because Adrienne Rich said so. And that's too bad.

"Love Poem," apart from the lines I don't like, shows another aspect of Rich's art than the narrative and the symphonic. This is an intimate poem, "delicate" and "fierce," to use two of the poet's key words. Its shorter line length (five to seven syllables), a (basically) three-line stanza and a metaphorical identity of body and landscape approximate the economy and visual evocativeness of Japanese verse. Perhaps it shouldn't be surprising that the third "person" to enter the lyric is

. . . death we talk to her
daily, as to a neighbor

we're learning to be true
with her she has the keys
to this house if she must

she can sleep over

Rich makes this turn both inevitable and a small, cold shock.

"I asked you to sing, Chavela, in the desert," Rich writes in "The Desert as Garden of Paradise." Rich is singing in the desert in *Time's Power*: singing, telling tales, teaching, speaking in a low, clear voice to one other and to many others. She has gone from campus and comfort to a series of tenable but hardly comfortable positions. The academics who praised the ironic, groomed young poet looked askance at her break into invented forms and political engagement. The radical writers and activists around her in the late 1960s did not all welcome her feminist and lesbian commitment. The lesbians who read "The Floating Poem, Unnumbered" (from *The Dream of a Common Language*) out loud to one another want more of the same, not Israel/Palestine, arthritic pain, Soweto and contradictions. Harriet Tubman, called "General" and "Moses," flashes through "Harpers Ferry": Adrienne Rich, too, has been conducting, goading, leading, inciting her readers, with a difficult music, to a wider understanding. □

BOOK NOTES.

SPIRITUAL WARFARE: The Politics of the Christian Right. *By Sara Diamond. South End Press. 292 pp. $12.*

Reason and belief have been at war for centuries. It is difficult to think of a time in recorded world history when someone wasn't trying to convert others or obliterate them for not conforming to what's "holy." The struggle continues to be played out in schools, homes and governments. In the United States, it is usually considered a private matter, and is not subject to public scrutiny until the subterranean conflicts erupt.

Berkeley-based Sara Diamond has made it her business to provide that scrutiny. She devotes the same amount of energy to compiling facts, anecdotes and interviews, and to detailing the influence of religion on our culture, as the journalistic establishment devotes to sports and entertainment. Diamond's

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Spiritual Warfare is a self-proclaimed exhaustive look at the "Christian Right's gradual development as a social, political, and religious movement intent on taking over secular institutions step by step."

Most valuable is Diamond's examination of the media empire that unenforced tax and communications laws have allowed to flourish. Ten percent of the radio stations and 14 percent of the television licenses in the United States now belong to the raving right, and Diamond shows that this network of more than 1,000 radio and 200 television stations is still expanding. She should be given a seat in heaven for sitting through what seems to have been a decade of TV preacher features.

But Diamond hasn't stopped there. Her researches have also uncovered the machinations of the Christian right's financial backers, who seek salvation insurance after years of plunder. They have penetrated the State Department and lesser Washington domains, and they have carried their relentless and deadly huckstering abroad. It all adds up to an impressive portrait of how God-drunk patriots have been on a roll during the Reagan-Bush era. They have exercised their social influence and deadly economic clout on domestic issues such as reproductive freedom and gay rights, and they have addressed foreign questions such as who should govern Nicaragua, the Philippines and a score of other countries.

What is to be done about all of this? The usual countervailing forces in U.S. culture are generally silent, if not complicit, when faced with our ritualistic privatization and compulsive hypocrisy about religion. Timid media and allergic legislatures will require infusions of courage to beat back the Christian right.

Diamond perhaps underestimates the effect of exposing opportunism and hypocrisy, as has happened to Jimmy Swaggart and Jim and Tammy Bakker. Sometimes reality does them in, as when Pat Robertson tried to intuit foreign policy. And there will continue to be differences of doctrine and vision—much of it masking the ambitions of egocentric leaders of the now dominant sects.

If the foolishness and damage wrought by the Christian right is to be reversed, there need to be more people like Sara Diamond, providing knowledge and awareness—two Satans that superstition cannot survive. LARRY BENSKY

Larry Bensky is national affairs correspondent for Pacifica Radio.

A VINDICATION OF THE RIGHTS OF WHORES. *Edited by Gail Pheterson. Seal Press. 293 pp. $16.95.*

In 1792, Mary Wollstonecraft, in *A Vindication of the Rights of Woman*, made a plea for basic human rights and equality for women—a radical demand for the time. Now, 200 years later, prostitutes are calling for similar rights and equality. The need to speak out for the rights of sex workers became clear to Margo St. James, a former prostitute, in the early 1970s. She founded Coyote (Call Off Your Old Tired Ethics) in 1973 and went on to establish a network of prostitutes, social workers and politicians. Their reappropriation of the word "whore" and their demands for decriminalization of prostitution and better working conditions for women in the business sounded as radical as Wollstonecraft's plea for women's rights had nearly two centuries earlier.

The feminist movement has often labeled prostitutes as sexual slaves brainwashed by patriarchy. From nineteenth-century reformers like Josephine Butler to current antipornography crusaders like Andrea Dworkin and Kathleen Barry, feminists as well as politicians have made sex workers the objects of scorn. Yet other feminists have viewed the defense of prostitutes as an essential aspect of reclaiming control over and enjoyment of female sexuality. In insisting on a woman's right to be a "bad girl," these political prostitutes challenge the terms of a feminism that has embraced women's culture and set standards of sexual conduct for feminists. Central to the whole prostitution movement is breaking down the virgin/whore dichotomy. Gail Pheterson explains, "As a feminist, I know my freedom is limited as long as whores are stigmatized and criminalized."

In the past fifteen years, the prostitutes' rights movement has flourished. In 1982, Pheterson met up with St. James

ALOFT

Inscrutable the properties of air
we thunder through. From up here
nothing but geometry: earth
laid out in colored grids; sea
a corrugated sheet, steel blue.
Small boats are comets, flaring
their wide white tails. In the

airplane window, glittering
crystals of stress and instability
make the plain plexiglass dazzle,
beautiful. For ten sick minutes
of turbulence the mind
empties of everything, making sense
of nothing but its own rattled

act of faith: I believe
at the heart of the hurricane
the angels lounge like open
deck-chairs, chattering and
laughing among themselves, the
northern lights of their faces
altering from grenadine to azurite

to terra cotta; unfaltering, their
tongue is idiomatic Bach, sweet
beyond belief and various: long
blond boneless sentences in which
life unwinds like water, while we
make our own dumb way across the
bumpy undulant ridges of air, knowing

we have only the ghost of a prayer.

Eamon Grennan

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and embarked on a project to build alliances among sex workers around the world, resulting in the International Committee for Prostitutes' Rights (I.C.P.R.). So far, they have held two World Whores' Congresses, excerpts from which are included in this anthology. The most recent, held at the European Parliament in Brussels three years ago, brought together representatives from more than sixteen countries to define an extensive agenda. By the end of the three-day session, they had discussed human rights abuses, health issues and the thorny subject of feminism, drafting separate statements on each topic. With more than 120 prostitutes and former prostitutes present, the first priority was to give "voice to whores."

The range of experiences from country to country sometimes gave rise to tension between those who had been forced into prostitution and those who had chosen it. More pointed conflicts developed around health issues such as AIDS. Historically, prostitutes, instead of their clients, have been scapegoated for spreading sexually transmitted diseases. The prostitutes' rights movement has worked to clear prostitutes of the stigma of AIDS and other sexually transmitted diseases, arguing against forced testing and pointing out that prostitutes have commonly been at the forefront of condom use and other safer-sex practices. "Our bodies are our tools and we know how to take care of our bodies," says Gloria Lockett, who is from a women's AIDS research group called Project Aware, based in San Francisco. It has succeeded in producing responsible studies on the prevalence of AIDS among prostitutes in the Bay Area, finding that of 400 women tested, only 4 percent have tested positive, and they are either i.v. users or sexual partners of i.v. users or of bisexual men.

The difficulties of unifying a diverse group of workers become especially acute when confronting issues in developing countries. This anthology makes a concerted attempt to give global issues a central role in the movement by including a section on migration and prostitution. Despite the unavoidable frictions, the I.C.P.R. represents a commitment to a new feminist politics by focusing on an issue that touches women of all races, classes and nationalities.

Why are the majority of prostitutes female? Although this anthology does not answer sweeping questions such as this, it still achieves the important goal St. James sets out in her preface: to "generate the kind of thinking and awareness and activism necessary to right the wrongs committed against whores for centuries."

STEPHANIE BAKER

Stephanie Baker, a writer living in New York City, has followed developments in the prostitutes' rights movement for several years.

ART.

ARTHUR C. DANTO

Ming and Qing Paintings

Literary theorists not long ago were understandably excited by the theory of intertextuality. This was the view, rudely put, that literary utterances refer never to the world—"daffodils" never to daffodils, for example—but only to other literary utterances which it may require considerable erudition and ingenuity to track down. So literature, as literature, was about literature. Yeats would certainly have had to exclude himself from those whose lines were merely "rhymed out in love's despair/To flatter beauty's ignorant ear." But it would surely have depressed him, as it must depress us, to learn that "Sailing to Byzantium" is about the footnotes in the definitive annotated version of "Sailing to Byzantium," where all the transtextual references are identified. Intertextuality itself was a corollary of a particularly heady claim by Jacques Derrida, *Il n'y a pas de hors texte*—that outside the text there is nothing but more text. Because it is a variant of philosophical idealism, Derrida's thesis is difficult and perhaps impossible to refute, and this invulnerability, together with the exclusive franchise intertextuality gave the literati to interpret texts, must explain the theory's immense appeal to them. For if a line means what it refers to, it must be meaningless to the mere common reader who happens to be intertextually illiterate, and only the literati hold the key to understanding texts heretofore believed to tell us something deep about such things as life, death, nature and the human heart.

As a theory of artistic content, however, intertextuality seems to me to fit Chinese painting to perfection. It takes very little study to discover that the marvelous images one admires, of mountainsides or stands of pine or figures in skiffs

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sliding languorously past spare villages, would have been perceived by connoisseurs as conscriptions from other works known to the artist, who painted them with the intention that they be recognized as such by those who understood painting as an art. Dong Qichang's handscroll of 1635, *Clearing After Snow on Mountain Passes*, might have been occasioned by actual experience, the artist having viewed the mountain passes at a hushed moment when the snow ceased, and sky and hills, fore- and background were a single color, looking like a drawing on whitish paper. But according to its inscription it is based on a work of the same title by the tenth-century master Guan Tong which was then in Dong's collection. (I cite this fact from the indispensable notes by Howard Rogers in the catalogue that accompanies the exhibit Masterworks of Ming and Qing Painting From the Forbidden City, on view until October 29 at the Metropolitan Museum of Art in New York City.) So there would be little scholarly incentive to seek, on the basis of geological evidence, the site where Dong painted those bleached and angular rocks, the black pines and frozen streams and soft meadows, which a Chinese aesthete might unroll in leisurely contemplation of imaginary snowscapes but real other paintings. Landscape itself has no great interest save as transcribed—"In terms of the refined subtleties of brush and ink," Dong wrote, "the landscape is absolutely inferior to painting"—and the interest of transcription lies in the comparisons it makes available with other transcriptions of the same motif. There really appears in traditional Chinese art very little by way of *hors-texte*. It is as though, entering the work of art, one entered an alternative world whose substance was paper, silk and ink, created alongside the real world, an aesthetic refuge from uncertainties and terrors, and disasters personal, political or physical. This meant that intertextuality yielded an almost metaphorical reflex into a space of peace and beauty, an escape into pictorial texts as a form of reclusion.

Consider now one of the earliest works in the show, again a handscroll, titled *Autumn Thoughts on Xiao and Xiang*, a serial collaboration between Chen Shuqi and Wang Fu, the latter completing it after Chen's death. "Xiao and Xiang" refers to the confluence of those two rivers as they flow, united, into Lake Dongting in Hunan province. So there really is a geographical *hors-texte* here. But *Eight Views of Xiao Xiang* had become a standard format for landscape painters, as standardized in its own way as the Ten Ox-Herding pictures of Zen or the Fourteen Stations of the Cross. It is fascinating to learn that *Autumn Thoughts* is a tacit criticism of the genre, which consists of eight discrete views of the celebrated sight. The literatus who commissioned this work wanted a painting that fused the eight views into a single continuous image, so that, in unrolling the scroll, the experience would correspond to an idealized experience of flowing toward Lake Dongting. It is very affecting that at the point Wang Fu began his part of the work, he appropriated the style of his predecessor, as if in tribute; but by the time he finished, at the scroll's left edge, he was painting in his own more famous manner. It is as if the painting were the confluence of two distinct artistic temperaments for which the confluence of the two great rivers is a metaphor. But the thought I am even more anxious to express is that the octaval views of Xiao and Xiang, even if allowed, as in the present scroll, to meld into one another so that there may in fact remain only six, imply a form that stands to the various paintings of this theme as a score stands to the class of its performances. So the Chinese painter would be judged as we judge performers of known pieces or of known roles—as an interpreter rather than composer or author, whose interpretation may be compared in terms of virtuosity and with respect to the way the spirit of the motif is transmitted. There would be room for dazzling skill and for eccentricity, but not for a certain kind of originality or innovation. Everyone who understood and collected paintings could himself paint, up to some creditable level, simply as a natural extension of calligraphy, which everyone commanded as a matter of course. The artists who were admired stood out only in degree, like great performers on the pianoforte in a society in which it was expected that everyone could play through the classical repertory with a convincing degree of proficiency. It was an art world in which differences in talent were as clear as differences in personal style (talent really *meant* personal style), and in which creativity as we understand it in the West would have been impugned as largely vulgar. My late great friend the calligrapher Chiang Yee took a kind of irrelevant pride in having introduced the panda as a new subject for Chinese art. But this may merely have been evidence of having spent too long in the West, where novelty of that sort might count for something.

The Ming and Qing dynasties, end to end, covered something under seven centuries, from 1368 until 1911, but all the truths of Chinese painting were in place before that protracted period began. Sherman Lee, a world authority on the subject, writes: "Painted images and calligraphic writing in ink on silk were already more than 1,700 years old, and the materials, formats, and techniques of painting had developed in flexibility and complexity to a point where further subtlety was both unimaginable and superfluous." Now, in 1368, Andrea Orcagna, the leading painter of his age, died, leaving an art world still very much defined by Gothic criteria, and the immense conquest of visual appearances, in which Western painting consists, had barely begun. Giotto was recently dead;

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Sassetta, the master of the Sienese altarpiece, was yet unborn; perspective remained undiscovered—and might never have been discovered if the Sienese paradigm prevailed. The last Qing painting in this show was done in 1889, the year of van Gogh's crackup and of Gauguin's exhibition at Volpini's Café des Arts. The Qing dynasty ended the year before abstract art was invented, when Cubism was almost an old story. Imagine, then, an exhibition which begins with Giotto and ends with Gauguin, showing all or most of the intervening masters. Only from the most Olympian of viewpoints could it be said that everything was already in place at the beginning, further development of which was "unimaginable and superfluous." Western painting was nothing *except* further development of strategies started by Giotto and resisted by Orcagna and later by Sasseta, but that went from achievement to achievement until the entire program came to an end with Gauguin and modernism: a progressive unfolding of peak after peak of stunning innovation. Between *Autumn Thoughts on Xiao and Xiang*, of circa 1412, and Ren Yi's *Su Wu Herding Sheep*, of 1889, there are differences of style, of course; but Roger Fry would not be wrong, only parochial, in speaking of "that strange atrophy of the creative spirit which has affected Chinese art during the last few centuries," or in remarking with dismay on "the excessive reverence for the tradition . . . so strong that at this day [1926] artists in Pekin execute watercolours which repeat almost unaltered the forms of certain Sung paintings."

The works in the Met's show seem—certainly to a viewer who is intertextually illiterate—oddly contemporaneous. The changes, such as they are, are not internal or progressive changes. This is not meant in any sense as a criticism of one of the great traditions of world art (one in which those who participated were exquisitely conscious of the history to which their work belonged). It is, rather, meant as a characterization of the shape of the history in which the Chinese artist located himself, one so different from the shape of our own that we are certain to be wrong, or vulgar, when we apply to it critical categories appropriate to the West. Not everyone is as obsessed as I am with the "shapes" of the history of art, but one gets the sense that the first of the artists shown here would have been immediately comfortable aesthetically in the company of the last, and this is something the exhibition, when seen as more than a collection of individual works, makes especially vivid.

How different the Eastern and Western historical structures are can be gathered from the case of Wan Shang Lin, an exceedingly minor Qing painter not in the same class, as he would no doubt have admitted, with the masters displayed here. I acquainted myself with his work a season or so back with a painting from the Robert Ellsworth Collection which shows a monk wandering through a diffidently depicted landscape of rocks and stripped trees. It is, intertextually enough, not really about an itinerant passing through a deserted landscape but about a painting of that subject done by the master Ni Zan (1301–1374). Wan Shang Lin's thin appropriation was done in 1800, after thinking for ten years about two other paintings of this subject, one of which may have been by Ni Zan. In the whole vast period between the two artists there was a continuous tradition of imitating Ni Zan. Wan was very much a *petit maître*. He had few illusions about his gifts—"I feel embarrassed by the quality of my work," he inscribed on the Ellsworth painting—but it was no part of his embarrassment that he copied a known work, or that he did little else as an artist beyond paint in the style of Ni Zan. It would in fact have been possible for someone to do this and be a very great artist. (There is a striking work from 1734 by Fan Shishu, *Autumn Grove*, in which even a barbarian like me can see the memory of Ni Zan.) Nothing remotely like these options would have been available to a Western painter, who inevitably must see himself situated in a history it is his fulfillment to drive forward and revolutionize. Chinese art was past-oriented, like Chinese culture itself, which grounded its values, flexibly and nonfundamentalistically, to be sure, on the classics of the Confucian canon. But Western painting, like Western science, saw the unremitting transcendence of the past as the imperative to follow. One or two oddballs aside, the Chinese painter carried so vital a sense of the past that, once more, it would have been considered vulgar and presumptuous to attempt more than merely prove oneself not unworthy of the masters everyone in that art world knew as well as they knew the Analects and The Great Learning.

Still, it must at times have been a heavy burden. Much in the way that a Confucian gentleman, taken up with

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ritual and ministerial obligations and laced into a rigid social garment of roles and duties, had inevitably to fantasize the untrammeled natural life promised by the poetry of Taoism—illustrated here in painting after painting of tiny figures crossing fragile bridges to solitary huts by plunging waters—the Chinese painter must have yearned to escape the tyrannies of intertextuality. Freda Murck, one of the curators of the show, drew to my attention a wonderful painting of 1671 by Yuanji, *Plucking Chrysanthemums.* Yuanji quite properly asked himself how the first painters worked, when there were no models to follow—the Confucian philosophers seem never to have asked how the Sage Kings knew how to act—and sought in this work to paint as if there were as yet no styles. "In remote antiquity," he wrote, "there was no style because the original substance had not been differentiated. . . . On what basis were styles established? They were established on the basis of the first stroke. . . . So I established the style of the first stroke . . . creating a style from what lacked style." *Plucking Chrysanthemums* is a "first stroke" painting, done as if the whole art of painting was invented with it. According to the Met's catalogue, "virtually nothing in the painting, from the brushstroke to the architecture, was based on earlier styles." Think of how much Yuanji had to have known in order *not* to use it. Moreover, nothing could be more exemplary of his own tradition than the vertical format of the hanging scroll, the motif of pine trees and crumpled mountains or the cheerful lone soul gathering flowers, which became emblems of the reclusive life. The strokes have a crazy, almost Art Deco rhythm, while the trees and foreground plants are urgent blots and blobs. Yet Yuanji's ambition, to reinvent his own tradition, has been a standing obligation in the West, and one of the issues facing artists collectively today is whether this is any longer a possibility. Can Western artists learn to live within their possibilities the way Chinese artists took it as given that they must do?

Occasionally, the two traditions have touched. Chinese gardens became something of a rage in the West in the eighteenth century, and were cherished for the wild irregularity that contrasted with the ordered geometry of garden architecture in Europe. In 1715 the Jesuit artist Giuseppe Castiglione presented himself to the Emperor of China. Among his undertakings were frescoes for missionary churches, including studies of architecture done in scientific perspective. Chinese response to these is worth citing, in view of the fashionable thesis that perspective is a symbolic form rather than an optical truth. Castiglione's work should have looked hilariously wrong if perspective is merely a cultural convention, but in fact a Chinese critic wrote, "The ancients lacked perspective method, and when it is used so skillfully as here, one regrets that the ancients had not seen it." Nevertheless they had not, and the Chinese, now knowing what true perspective was, still did not use it. Perhaps they would have had to change motifs completely in order to exploit it, there being after all no room for linear perspective in the wildly imagined landscapes they favored. And there is an instructive painting by Castiglione, done in the Chinese manner and executed under his adopted name of Lang Shining. It is of the prince and his mentor, and Lang uses Chinese perspective in his depiction of a table with a book on it, almost as if it were a convention like the shadowless light that bathes his figures. Still, the persona of Castiglione and not of Lang Shining is responsible for the bamboos, which have a botanical accuracy at odds with the Chinese treatment; and even without shadows his figures stand solidly on the ground as no Chinese painter could have made them do.

Western ideas became a flood in the nineteenth century, and the struggle to assimilate the new strategies of representation opened a window into the Chinese artistic soul. One of the masterpieces in the show is a huge self-portrait by Ren Xiong, very likely done in the last year of his brief life: He died at 37, in 1857. What is remarkable is the difference in style between his garments, as he paints them, and his face and bare chest, which he shows coming out of his lowered robe. He is looking out at the viewer, and there can be little doubt that he aimed, here, at precise resemblance and anatomical accuracy, both alien to the Chinese tradition. His garments, Chinese, are painted in the Chinese manner, the rest of him in the Western manner. It is as if he wanted to show something new emerging from something old, depicting himself emerging from his tradition, so that the scroll is an allegory for himself and for the Chinese artists like himself, no longer at one with their tradition.

It is something of a blessing to be intertextually a bit illiterate, going through this show, and to look at these paintings with Beauty's ignorant eye. This is a show of wonders, of amazing invention and astonishing touches. No one can forget the wind-furled garments in *Standing Alone on a Lofty Ridge*, drawn by Gao Qipei with his *fingernail*! I was struck by the strange talonlike nails on so many of the figures shown, and applauded the thought Gao must have had, in a flash of imagination, that the fingernail would make a great pen! Sheer ignorance on my part: Painting with the fingers goes back to Tang times. I'll wager that everyone's favorite painting is Gai Qi's idyllic *Plucking Lotus Blossoms*, which shows what the Beatles called a "clean old man" floating downriver in a world of lotus blossoms, with a somewhat apprehensive and considerably younger courtesan, a wine jar and what looks like a lute. (Agreed, it is his dream of bliss, not hers.)

Finally, one must pay tribute to the diplomatic and curatorial energies that brought these works out of the Forbidden City. They have been traveling in the United States since January, and it is hardly likely that it would have happened had it not begun before the events of June in China. But even if the June massacre had never taken place, and feelings between the two nations remained cordial and travel open and easy, one would certainly have found it difficult to see many of these works in the Palace Museum itself, where they are rarely on view, and then only for restricted periods. □

LETTERS.

(*Continued From Page 442*)

distinctive experience arises from the way they are treated by white people. All blacks do not have identical experiences of racism, but they know it would be unwise for any black person to walk down the street in Bensonhurst on Saturday night.

Kennedy says there is no outstanding work by minority legal scholars that deserves to be read and cited. I described the work of six that looked great to me. Readers don't need to limit themselves to following this debate in the "Letters" column; instead of trying to decide whether my article was "cheap and unprincipled" or "sleazy" and "ultimately reactionary," they can look at the work in question and decide for themselves. Are the new minority voices producing "self-aggrandizing slop," or are they worth listening to? Derrick Bell's book *And We Are Not Saved* and Patricia Williams's Autumn 1988 article in *Signs* are good places to start.

Jon Wiener

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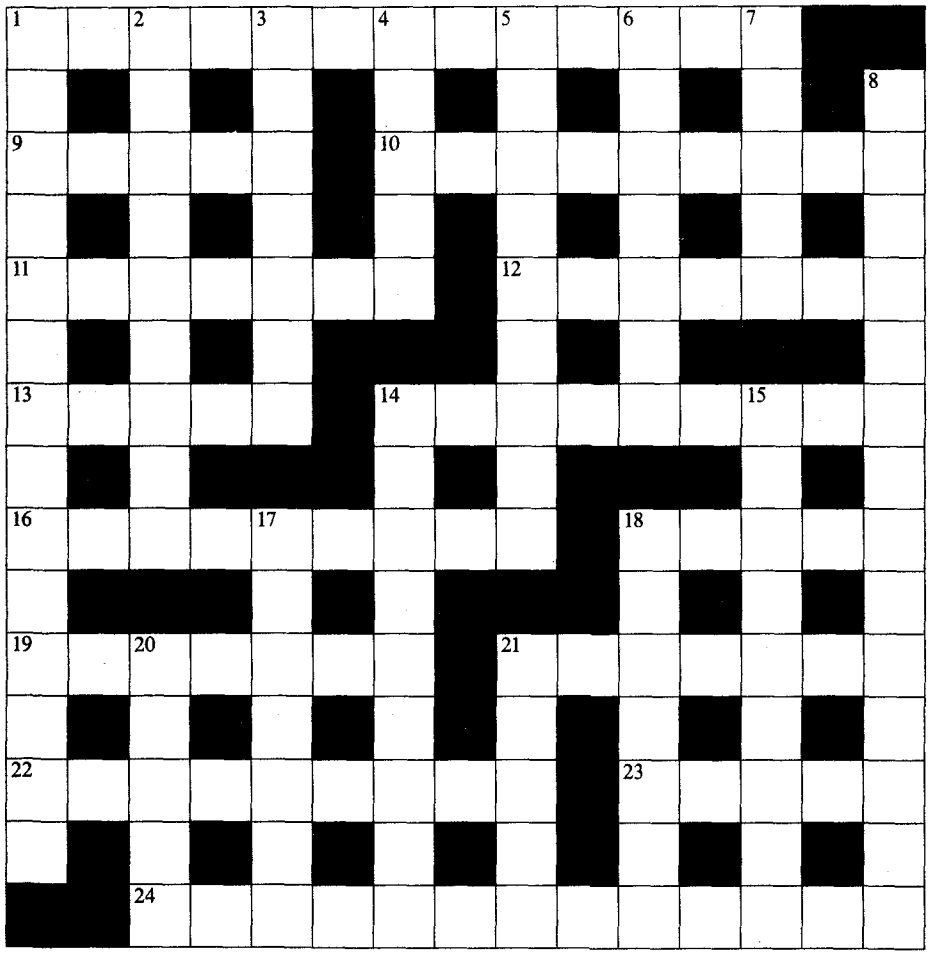
Crossword Puzzle No. 2261

FRANK W. LEWIS



ACROSS

1 One might expect such as the butler to have common courtesy—since these might be kept in a bureau. (5,8)
9 A branch of the Uralic family of languages in the region of the Bug, Richards found. (5)
10 In brushwork and in skin tone, you'll find this painter outstanding. (9)
11 A shaper-upper, perhaps. (7)
12 A turn for the better, obvious when certain groups win games . . . (7)
13 . . . providing this, wherein you might get a better check. (5)
14 Plan to put a layer on something precious? (9)
16 Animals found in a state near collapse, responsible for the fate of many workers. (9)
18 Sir Toby might prove socially unacceptable. (5)
19 Made up one's mind to be a Spanish leader? Indeed! (7)
21 Partly like Ferdinand and definitely like Elsa—no wonder it's valuable! (7)
22 Their pins might be all out of shape, due to Bright's disease. (9)
23 Properly Finland is seen if the return is unanimous. (5)
24 The mortality count wouldn't have proved necessary if the guidance system were more sophisticated. (4,9)

DOWN

1 One behind the serving area, as the bell sounds? Orders are changed by this. (14)
2 *You are, as a crossword expert—with one part* of speech on a tabulation of such. (9)
3 The public has no place to drink, mistakenly seen to be official permission for something. (7)
4 Caused by glacial drift, it reeks badly! (5)
5 Do they ride shotgun on the moving vehicle? (They should be the first ones to spot trouble!) (9)
6 It might keep the head from showing, suggesting those plastics some people put on their fingers. (4,3)
7 With us making a comeback, his sort might be seen in an Eastern restaurant. (5)
8 How some of the characters spent time in *Guys and Dolls* might have been frowned on by conservationists. (3-4,7)
14 Possibly rests deep in what some call one who lives in the fast lane. (9)
15 A military debacle, perhaps, with Georgia bringing up controversial birth control and stirring oil. (9)
17 As well as, alternatively, the Sun God's country. (7)
18 Bartok's little company has a well-known Broadway name. (7)
20 Managed to get by, and made a couple of members join up. (5)
21 One could get such training in boot camp or computer school. (5)

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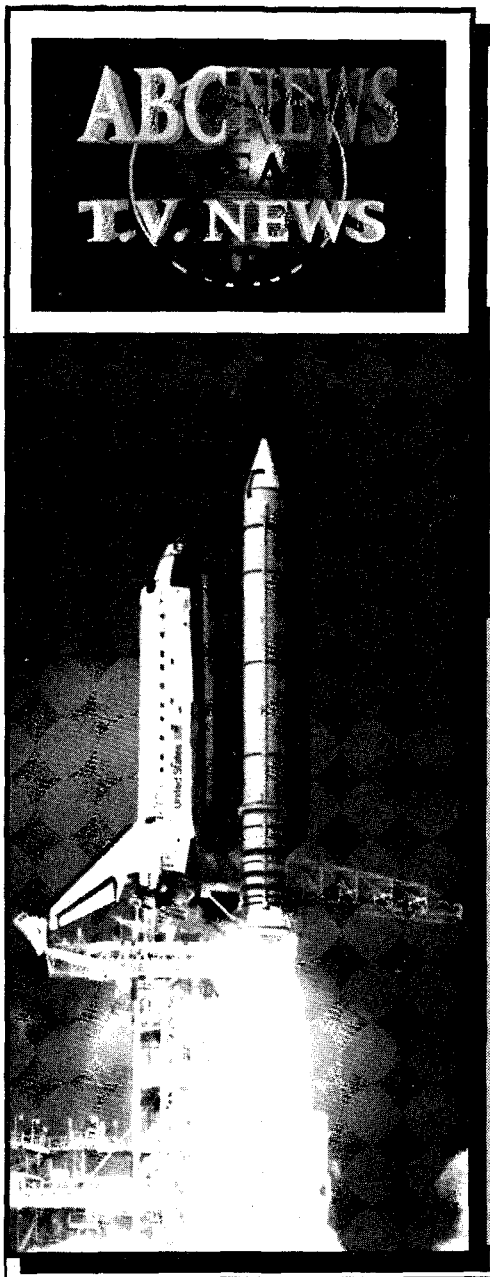

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